

# Unionization Case Durations and Their Impact on Success Rates: Analyzing Trends and Outcomes

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## Summary:

The labor unionization process often faces resistance from employers utilizing strategies to delay unionization efforts. These delays in unionization cases can cause a variety of issues in the workplace. This project focuses on unionization cases in the United States from 2010-2023, examining how their durations have changed over time and their impact on the success of unions in unionization elections. The analysis revealed that the average duration of unionization cases has remained relatively the same, and the length of the unionization cases showed no apparent correlation with the success rate of unionization cases. Unionization success rates are defined by if those in favor of unionization win the election. This information can guide policy development to create more efficient negotiations with workers and employees.

## Problem Diagnosis:

A positive relationship between workers and employers is key to a successful and productive workplace. However, this relationship is often harmed when disagreements occur with unionization efforts. Employers may become concerned with maintaining operation control and addressing the potential costs that come with unionization, so they take actions to delay or even prevent workers' unionization efforts. Delays, also known as the time it takes for these situations with unionization to be reviewed, can also be called union cases. Union cases are legal or administrative proceedings involving disputes or issues related to labor unions. These delays may cause employees to feel as if their efforts and voices are being suppressed. This resistance not only can impact unionization efforts, but also the overall workplace environment, creating a less cohesive and productive workforce as workers may become frustrated and lack trust in their employer. Ultimately, this dynamic negatively affects morale, collaboration, and the productivity of a business.

In the past two decades researchers suggest, employers have been increasingly trying to delay or stop unionization efforts altogether.<sup>1</sup> Unionization can bring unwanted change to employers, meaning this issue generally stems from employers viewing unionization as something that may impact their operations and financial structure. In addition to employers and

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<sup>1</sup> McNicholas, C., Loustaunau, L., Wolfe, J., Poydock, M., Zipperer, B., & Lafer, G. (2019, December 11). Unlawful: Employer opposition to union election campaigns. Economic Policy Institute. <https://www.epi.org/publication/unlawful-employer-opposition-to-union-election-campaigns/>

workers, consumers may also even be indirectly impacted by this issue as businesses may face damage to their reputation and community relations.<sup>2</sup>

There are many ways employers delay unionization efforts, some of which are legal and some that are not. For example, in recent years Starbucks has used many strategies to delay unionization efforts. One legal way to delay unionization efforts Starbucks consistently utilizes is frequently appealing NLRB rulings since these can take years to solve.<sup>3</sup> While this is legal, workers often become frustrated and potentially discouraged. Some appeals can be extremely lengthy causing some people to withdraw from union activities altogether. From the perspective of a business, appeals can also be draining and attract negative backlash even though they may benefit from the appeal. An illegal strategy Starbucks has used to delay unionization is firing or threatening to fire workers. By doing this, workers are either faced with the decision to drop the idea of unionization and continue working, or try to continue with the risk of getting fired.<sup>4</sup> These tactics, both legal and illegal, demonstrate some of the issues with delaying unionization.

## Research Questions:

**RQ1:** How has the average duration of unionization cases changed since 2010 in the United States?

**RQ2:** Is there a correlation between the duration of unionization cases and the likelihood of successful outcomes for unions?

## Analysis for RQ1:

### *Findings*

From 2010 to 2023, the average duration of unionization cases in the United States has remained relatively constant, staying within a range of about 50-100 days. Figure 1 shows that aside from 2016, which saw a dramatic spike in average case length, unionization cases have not shown significant variation duration this time. This suggests that while delays in the unionization process may persist, they have not worsened in terms of overall average case lengths. The spike in 2016 appears to be an outlier, potentially caused by there being a smaller number of cases which could be disproportionately impacted by a small number of lengthy delays, as indicated by the reduced total number of cases that year (Figure 2). Excluding 2016 from the analysis reveals that union case durations have remained stable over the time period. Additionally, figure 2 highlights the distribution of case durations across various time intervals, showing that most

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<sup>2</sup> Ibid

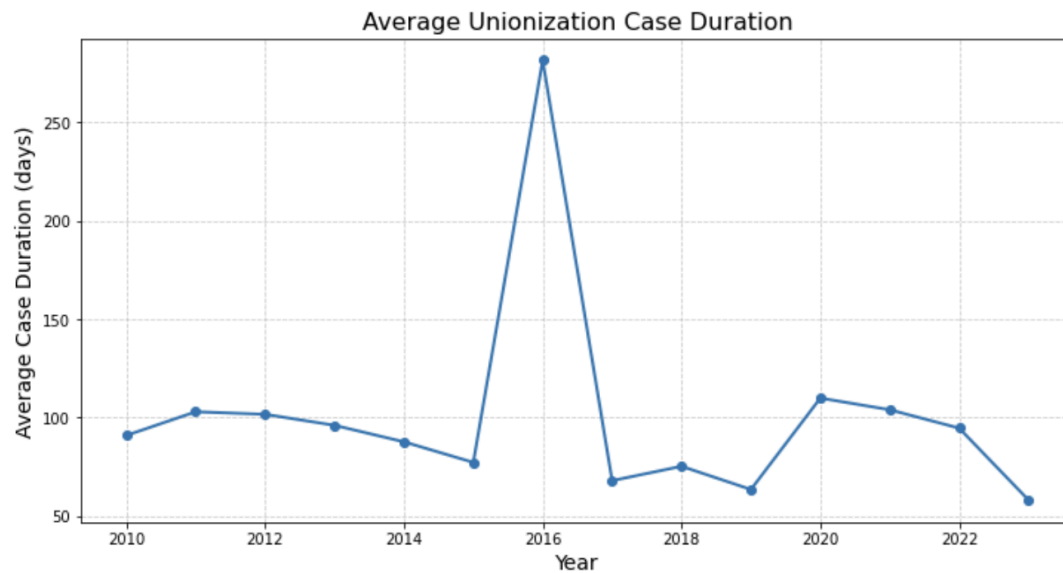
<sup>3</sup> Greenhouse, S. (2023, August 28). Will Starbucks' union-busting stifle a union rebirth in the US? The Guardian. Retrieved from

<https://www.theguardian.com/us-news/2023/aug/28/will-starbucks-union-busting-stifle-a-union-rebirth-in-the-us>

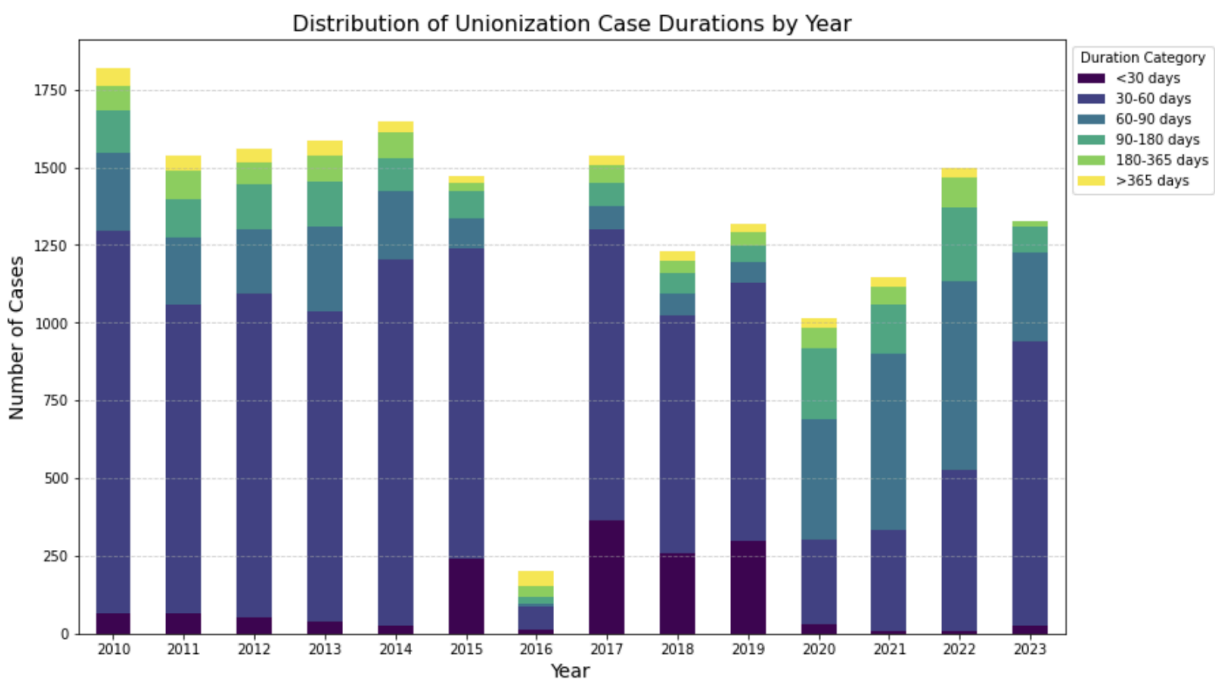
<sup>4</sup> McNicholas, C., Poydock, M., & Edayadi, M. (2023, March 28). Employers regularly engage in tactics to suppress unions. Economic Policy Institute.

<https://www.epi.org/blog/employers-regularly-engage-in-tactics-to-suppress-unions-examples-at-starbucks-amazon-and-google-illustrate-employers-anti-union-playbook>

cases are resolved within 90 days, while longer cases (180-365 days and >365 days), remain rare.



(Figure 1: Line plot illustrating the trend of average unionization case duration over time)



(Figure 2: Stacked bar chart showing the distribution of unionization case durations across different time intervals for each year since 2010)

### ***Interpretation of Findings***

The stability in average case durations over the years suggests that legislative practices and negotiation processes may have maintained consistent influence on unionization timelines. The obvious outlier in 2016, while skewing the overall trend, does not reflect a broader shift in case timelines and may require further research to determine its cause. Prolonged delays are rare,

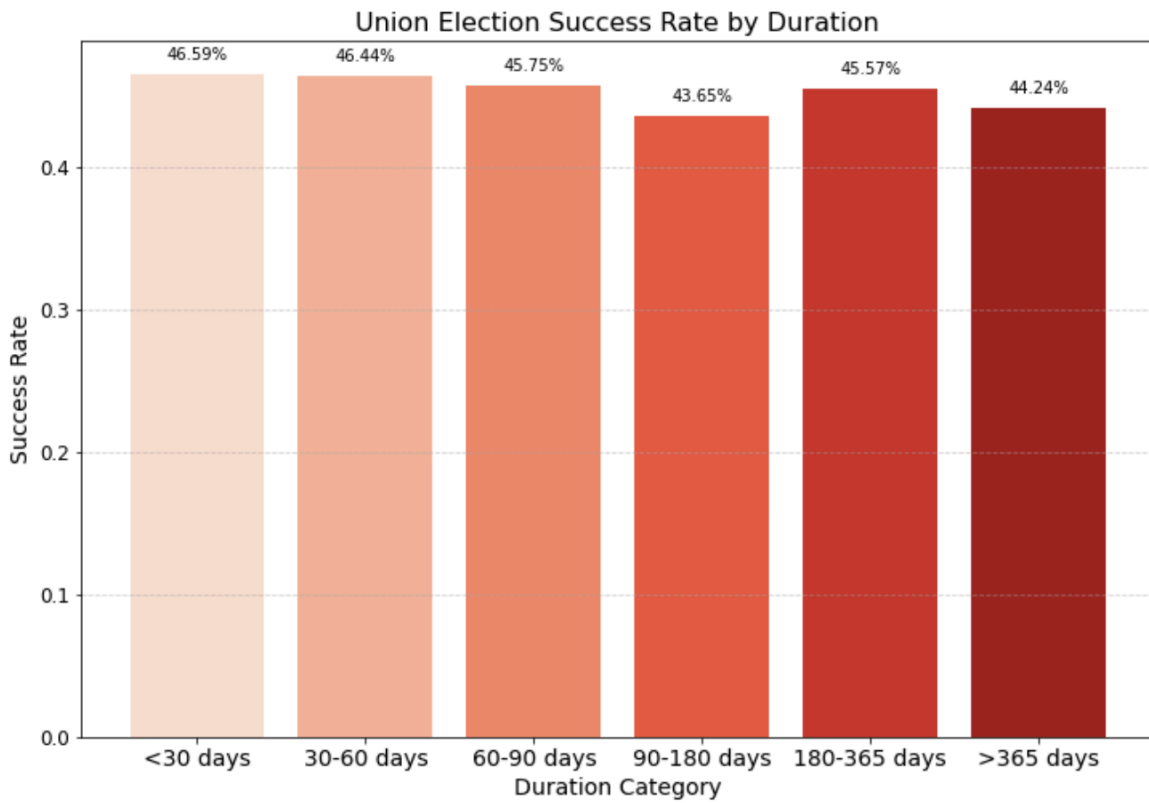
suggesting that extended disruptions in the unionization processes may be exceptions rather than the norm. This consistency provides a reliable baseline for evaluating factors that may influence the unionization process, such as economic conditions, political climates or labor laws. Policymakers and researchers can use this baseline to develop recommendations aimed to increase the efficiency and fairness of the unionization process while addressing specific challenges that could lead to prolonged case durations.

## **Analysis for RQ2:**

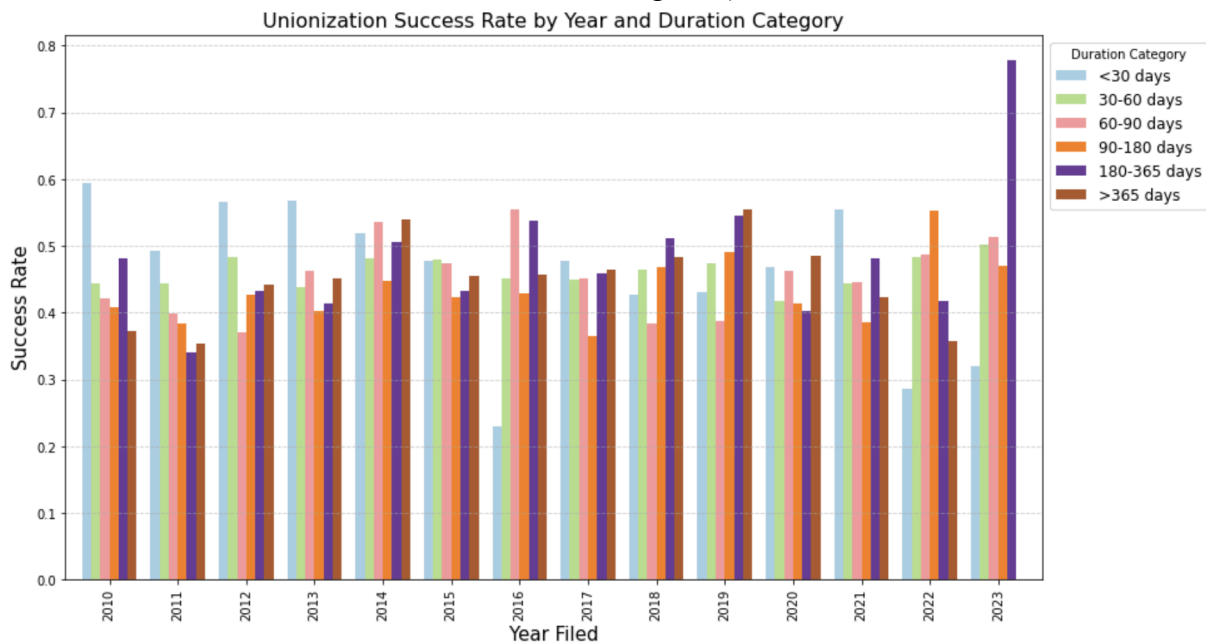
### ***Findings***

The analysis indicates that the length of unionization cases does not seem to be correlated with the likelihood of successful outcomes for unions. Figure 3 observes success rates by duration category and reveals that success rates remain relatively stable across all durations, with only slight fluctuations. For instance, shorter cases less than 30 days show a marginally high success rate of 46.69%, while cases exceeding 365 days have a success rate of 44.24%. Although there is a slight decline in success rate as the duration increases, the variation is minimal and does not point to a correlation between case length and outcome. Figure 4 analyzes the success rate by year with duration categories, further reinforcing these findings. Success rate across different years and duration categories remain consistent with no clear trend or significant disparities. While there are minor variations between shorter and longer cases within the specific years, these appear random and do not indicate a pattern. The stability of success rates across all duration categories and years may imply that other factors such as worker organization efforts, economic conditions or legislative reasons likely have more of a significant influence on unionization outcomes than case duration. Overall, the findings indicate that delays or extended duration in the unionization process show little association with the likelihood of a successful

outcome, highlighting the need to explore other factors that may influence union success.



(Figure 3: Bar chart displaying the success rate of union elections across different case duration categories)



(Figure 4: Grouped bar chart illustrating the unionization success rates across various case duration categories for each year since 2010)

### ***Interpretation of Findings***

The findings suggest that the relationship between the duration of unionization cases and their success rate is more complex than initially anticipated. While the data shows little variation in success rates across durations, this stability does not necessarily imply that the length has no impact. Instead, it suggests that other factors may play a more dominant role in influencing outcomes. For example, external factors such as strength of the worker organization or political climate may have more significant impacts on unionization rates for winning elections. Additionally the consistency in success rates across durations could indicate that systemic factors, such as legal procedures, create a stabilizing influence on outcomes. Alternatively, it is possible that stable success rates across case durations are a result of selection effects. For instance, longer cases may involve more complex disputes which could introduce confounding variables that offset the potential disadvantages of extended delays. Shorter cases may be straightforward or uncontested which can carry a higher likelihood of success. This could be somewhat representative of cases <30 days having the highest success rate of 46.59% even if marginal (Figure 3). The data also suggests that outliers in data do not significantly shift overall trends. This shows the resilience of the unionization process under varying conditions. These findings highlight a potential need to analyze more factors in addition to conducting analyses through a broader lens, so more targeted strategies can be implemented to improve worker and employee negotiations and outcomes.

## **Conclusion & Recommendations**

### **Recommendation 1: Optimize Unionization Case Timelines**

**Audience: National Labor Relations Board and policymakers.**

The analysis revealed that unionization cases duration have remained relatively consistent over the years with longer cases being less common. However, longer cases may have a slight association with lower success rates for unions which might suggest that delays in the process discourage unionization efforts and strain worker-employer relations. To address this, the NLRB and policy makers should implement measures to optimize the process and reduce case timelines. One approach would be to introduce stricter deadlines for filing appeals and processing cases, ensuring that people do not take unnecessary long time with decision making. Investing in technology and resources on case management such as organized tracking systems could help address delays. For workers it ensures their voices are heard minimizing frustration. For employers, reducing long disputes can improve workplace cohesion and efficiency, making a more collaborative environment and workforce. For policymakers, this recommendation aligns with the goal of promoting fair labor practices while also prioritizing efficiency. The NLRB and policymakers can create a more equitable and efficient system reducing the negative impacts of delays.

**Recommendation 2: Open Communication Channels Between Workers and Employers**  
**Audience: Large Corporations and Their Workers, and the NLRB**

Based on the analysis, allowing for open and structured dialogue between employers and employees could significantly reduce delays and overall create a more efficient process. While longer cases are the minority in the analysis, extremely short cases <30 days are the least common. While unionization cases are still ongoing there is potential for an overall less efficient workforce as both employees and employers may be unhappy with the circumstances. Employers and employees should establish regular, facilitated discussion early in the unionization process to clarify concerns, align expectations and address potential obstacles collaboratively. Meetings could be conducted and mandated by the NLRB to ensure that all parties are being heard and that discussions are constructive. By creating a platform with continuous communication, employees can express their concerns and desires for unionization while employers can share their perspectives and operational needs. This recommendation could directly address one of the root causes of delays and unionization cases which is misaligned expectations. Having more conversations among employees and employers could enhance the trust and productivity within an organization benefiting both the workers and employers.