

Labor Relations

POSITION

Our membership includes building management at all levels. We strive to support building staff and advocate for policies that enable them to create a constructive working environment while conducting business in an effective and efficient manner.

As such, we:

- Support workers' right to organize in their workplace and for unions to negotiate wages and working conditions on their behalf, in accordance with federal and state law;
- Support workers' right to choose whether to be represented by a labor organization by way of a secret ballot election conducted by the National Labor Relations Board. This should be done on a reasonable timeline and should include a secret ballot election that ensures a choice free of coercion, intimidation, irregularity, and illegality;
- Oppose any government intervention in determining compensation beyond the established minimum wage. Such matters should be resolved between management, employees, and/or their representatives through direct negotiations – not government legislation;
- Support policies that minimize the liability of building management in labor disputes with subcontractors beyond pre-negotiated terms. BOMA/GLA also opposes efforts to increase buildings' liability for subcontracted employees beyond reasonable terms that surround the working conditions directly set by management;
- Oppose state and local efforts to classify independent contractors as employees of their franchisor;
- Support human resources standards and training requirements that are cost-effective, easy to implement, and are proportional to the size of the building or business staff;
- Supports a building's right to hire individuals based on their proven merits;

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- Oppose any government-imposed “right to recall” or other policies that impose undue, inefficient hiring standards onto employers;
- Support workers’ rights to equal opportunity, treatment, and compensation based on their merits and regardless of race, ethnicity, religion, country of origin, and sexual orientation;
- Support reasonable CBAs and advocates for being party to their negotiation;
- Support the right for managers to have full decision-making control over their on-site staff;
- Oppose policies that allow job applicants to conceal past criminal records from prospective employers.
- Strongly supports institutional partnerships between workers, employers, and their respective trade associations to enhance workforce development and retention.

BACKGROUND

Unions have been a cornerstone of the American economy and labor relations for over a century. Workers should continue to be able to reserve the right to unionize and collectively bargain in accordance with National Labor Relations Board standards. Their decision should be determined free of coercion by any stakeholder.

BOMA/GLA itself has a long history of investing in workforce development in partnership with its members, their employees, and unions and serving a constructive role in labor negotiations when appropriate. Since 2007, BOMA/GLA has partnered directly with Building Skills Partnership and the SEIU to advance careers and improve the quality of life for janitors in our members’ buildings. Furthermore, a central focus of all of BOMA/GLA’s educational programming is workforce development.

BOMA International also has also invested in developing national certification programs, including setting the gold standard for building engineer training.

Office buildings heavily rely on contractors and their subcontractors to conduct business. Managers turn to contractors for a variety of reasons — their technical expertise, the infrastructure they have in place, cost-effectiveness, and beyond. The terms of liability should be clearly outlined when contracts are negotiated. Court rulings and legislation that add liability



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onto property management for labor issues with their contractors and subcontractors are concerning and should be counteracted.

Simultaneously, the California Supreme Court's decision in *Dynamex Operations West, Inc. v. Superior Court of Los Angeles*, No. S222732 and AB 5 have created hurdles in buildings' ability to hire independent contractors, as some might become classified as building employees.

In the aftermath of the COVID-19 pandemic, many jurisdictions have proposed legislation that would impose mandatory pay increases for all frontline workers until the state of emergency is lifted. This is an overreach, as compensation should be directly negotiated between management, employees, and/or their appointed representatives.

COVID-19 initiated calls for "right of recall" or "right of retention" ordinances across the County that would force employers who laid off employees as a result of the economic downturn to give their former employees the right of first refusal, by order of prior seniority, the right of first refusal should they re-staff their businesses. This has caused delays in hiring and prevents employers from making the best hiring decisions based on current needs.

BOMA/GLA appreciates efforts to ensure a safe and healthy work environment. With businesses of all sizes represented amongst our membership and tenant base, we realize that requirements to ensure employees are well-trained on human resources standards are not "one size fits all." Efforts to require a small business to spend money on employee training without subsidies can be heavy-handed. Such policies should be scrutinized and should not be implemented without the input of the small business community, including the managers of smaller commercial properties.