

## Ruling may curb unruly union acts

By GLENN SPENCER SPECIAL TO THE LAS VEGAS REVIEW-JOURNAL

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A recent decision by a federal court in Nevada highlights a significant problem facing the Las Vegas economy, one that threatens the livelihoods of many workers. The issue in question is unions seeking to drive business away from employers they dislike. Unfortunately, this has sometimes driven business opportunities right out of the state.

The court decision in *Desert Sun Enters. Ltd. v. Electrical Workers IBEW Local 357* is somewhat complex, but it involves a union engaging in what is called a “secondary boycott.” This legal term refers to unions pressuring unrelated third parties to cease doing business with a targeted employer. The court cited that this is generally illegal under federal law, and that a trial against a union for engaging in this sort of behavior could commence.

The ruling in the IBEW case is important because the secondary boycott alleged is part of a broader problem of unions pressuring innocent third parties, which must be stopped. The powerful Culinary union is particularly aggressive in using this improper tactic.

On numerous occasions, the Culinary has contacted convention organizers looking to bring business to Las Vegas and threatened to disrupt those conventions with pickets and other unruly tactics. A recent case occurred at Station Casinos where, according to news reports, the Culinary repeatedly harassed a company looking to bring some 1,200 room nights to Las Vegas. The convention would have resulted in an additional \$300,000 in catering, along with additional spending on food, beverages, gambling and other services — all of which are the lifeblood of the Las Vegas economy and provide jobs and income for workers. However, because of the harassment, the revenue from this would-be convention is no longer coming to Nevada and, instead, is heading to another state.

A similar situation took place in 2013, when a nurse and cancer survivor sought to bring the National Nurses Health Institute convention to a Station property in Las Vegas. The Culinary allegedly contacted potential convention attendees with calls that were described as “threatening” and that “bordered on harassment.”

Regrettably, undermining Las Vegas’ tourist economy seems to be a habit for the Culinary union. In a notorious 2013 incident outside the Cosmopolitan, union associates stood outside the casino and screamed insults at patrons, calling them “beached whales,” “pieces of trash,” and “fat pigs.” Seriously.

One wonders how the Culinary isn’t shamed by its behavior. One also wonders how the union thinks any of this is supposed to make Las Vegas a welcoming place for tourists. Or how it benefits the employees the Culinary claims it wants to represent.

Making matters worse is that this behavior is completely unnecessary. In the case of Station Casinos, for example, the Culinary claims the goal of its unseemly activity is to persuade the company to allow workers a free choice on whether to unionize. But the casino has already said its workers are free to vote on a union via secret ballot whenever they wish.

So what’s the problem? Well, the Culinary doesn’t want an actual vote. They want to organize via card check, a process under which workers’ “votes” would be public and the union officials would know exactly who did, or did not, support them.

Given the union’s track record of harassment, workers could be forgiven for preferring a secret ballot election.

This, unfortunately, the Culinary refuses to accept.

Thus far, the Culinary union has gotten away with its outrageous, unjustified and potentially unlawful pressure on innocent third parties seeking to bring business to Nevada. Hopefully the ruling in the Desert Sun case is a sign that courts are starting to take a closer look.

At some point, they might actually require unions such as the Culinary to clean up their behavior and act responsibly.

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