

Best Practices for Union Avoidance

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Roadmap

- Organizing Trends
 - Geographic Hot Spots
 - Target Industries
- Union Avoidance
 - The Organizing Process
 - Assessing Vulnerability
 - Recognizing Union Activity
 - Responding to Union Activity
- What You Can Do Now



Geographic Hot Spots

- New York – 26%
- Alaska – 24.8%
- Hawaii – 23.5%
- Washington – 21.3%
- California – 18.6%
- New Jersey – 17.7%
- Oregon – 17.7%
- Connecticut – 17.4%
- Rhode Island – 17.4%
- Michigan – 17.3%



Target Industries

- Utilities – 30.3%
- Transportation/Warehousing – 21.6%
- Telecommunications – 16.8%
- Educational Services – 15.1%
- Construction – 13.7%
- Manufacturing – 11.6%



Union Avoidance



The Organizing Process

- Employee(s) dissatisfied or disgruntled.
- Employee contacts Union Organizer.
- Union Organizer meets with small group of employees to educate them on how to organize.



The Organizing Process


- Employees who support the union form an internal organizing committee.
- Internal organizing committee begins collecting authorization cards.
- Overtly or covertly.



The Organizing Process

- Employees need authorization cards from 30% of unit employees to file a petition for election.
- Typically, union will have cards from at least 60% before filing petition.


AUTHORIZATION FOR REPRESENTATION



I authorize Local Union No. _____ of the **International Brotherhood of Electrical Workers** to represent me in collective bargaining with my present and future employers on all present and future jobsites within the jurisdiction of the Union. This Authorization is nonexpiring, binding, and valid until such time as I submit a written revocation.

Name _____ Soc. Sec. No.: _____
Home Address: _____ Phone: _____
City: _____ State: _____ Zip: _____

_____ Date of Authorization _____ Signature _____

Form 140  437 C

The Union's Approach to Get Employees to Sign Card

- Sign it; it's only to get an election.
- Sign it; it doesn't obligate you.
- Sign it; you still have a chance to vote in an election.
- Sign it; no one will ever know that you signed.
- Sign it; we simply want to know how to get in touch with you.
- Sign it; it's only to obtain more information.
- Sign it; everyone else has.

The Organizing Process

- Union demands recognition.
- Union files an election petition with the NLRB.
- NLRB schedules a secret ballot election at employer's facility approximately 6 weeks later.



Assessing Vulnerability

Top reasons why employees turn to unions:

- Uncompetitive pay and benefits
- Poor front line supervision
- Poor working conditions
- Inconsistent application of policies



Assessing Vulnerability – Uncompetitive Pay and Benefits

- Market surveys are essential.
- Are raises or pay cuts for management and supervision in-line with employees?
- Give employees a list of benefits annually.
- Sometimes the problem is perception, rather than competitiveness.



Assessing Vulnerability – Poor Front Line Supervision

- Do supervisors treat employees with respect?
- Do employees have an effective outlet to report problems with supervision without retaliation?
- Are supervisors hands on?
- Do supervisors engage with employees?



Assessing Vulnerability – Poor Working Conditions

- New and clean facilities.
- Adequate break areas and restrooms.
- Adequate safety and security.
- Regular communications regarding the direction of business.



Assessing Vulnerability – Inconsistent Application of Policies

- Do supervisors “play favorites?”
- Are different supervisors interpreting and enforcing policies the same way in different departments?
- Is attendance handled consistently?



Recognizing Union Activity – The Warning Signs

- Employee huddles that break up when management approaches.
- Employees asking other employees to sign cards.
- Employees approaching other employees in the parking lot.



Recognizing Union Activity – The Warning Signs

- Employees challenging management in front of other employees.
- Employees using buzzwords like “grievance” or “seniority.”
- Employees communicating with other employees who they do not normally communicate with.
- Employees wandering the facility.



Responding to Union Activity

1. Make sure all managers and supervisors know the rules.
2. Assemble a response team.
3. Plan counter-communications.



Responding to Union Activity – The Rules

You cannot:

Threaten

Interrogate

Promise

Spy



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Responding to Union Activity – The Rules

You can share with employees:

Facts

Opinions

Experiences with a union



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Responding to Union Activity – The Rules

- Solicitation and distribution are permitted in nonworking areas at nonworking times.
- This includes parking lots.
- Cannot prohibit loitering. Employees can solicit before and after shift or on off days.
- Non-employee union organizers are not permitted on your property.
- Cannot prohibit union clothing and paraphernalia except in limited circumstances.

Responding to Union Activity – The Rules

- In order to keep union activity out of working areas and working times, you need rules that do not discriminate against union activity.
- Solicitation for any type of organization should not be permitted in working areas during working times.
- Solicitation for any type of organization should not be permitted by e-mail.

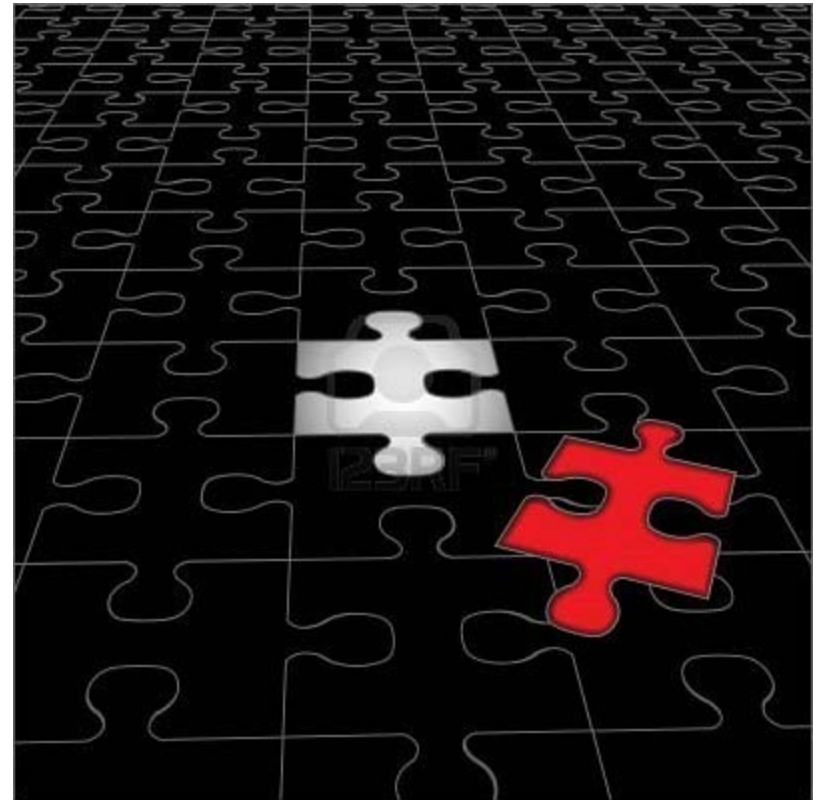
Responding to Union Activity – Assemble a Response Team

1. Who will be involved from HR?
2. Must have participation from operations.
3. Outside lawyer and consultant.
4. A team member should be responsible for external communications with press and customers.



Responding to Union Activity – Plan Counter-communications

1. Craft the message.
2. Who will deliver the message?
3. How many/how often?
4. What is the best forum or method of delivery?



Proactive Steps – The Take Away's

1. Do a detailed vulnerability assessment.
2. Get policies in order.
3. Train supervisors and management on how to spot activity and the rules for responding.
4. Discipline someone now.
5. Consider integrating union free philosophy into new employee orientation.

