

DO'S & DON'TS IN A UNION ORGANIZING DRIVE

It is extremely important in any pre-election period that the company supervisors and other management personnel know what they can and cannot say on the issues. The following list is provided as a guideline for use by supervisors and management personnel during a union organizing drive.

What Supervisors and Other Management Can Do:

- Tell your employees that the company prefers to remain nonunion and that you would like them to vote “NO” [a “NO” vote is a vote against the union in an NLRB election].
- Tell your workers that they are free to support the union or not, as they see fit, but you hope they vote against it.
- Emphasize that you are not asking employees about their union views or activities, but that you need and want their support.
- Answer employees’ questions about company policies and discuss the campaign issues, providing you don’t threaten reprisals, promise benefits, or interrogate them about their union views.
- Inform them that if they become members of the union, they will have to pay monthly dues to the union, as well as possible fees, fines and assessments.
- Assure them that union or no union, you will continue to try to make the company a good place to work.
- Tell employees that there is no reason to think that past progress in wages and working conditions will stop if there is no union. To keep competitive, the company must continue moving ahead, union or no union.
- Refer to the union’s financial reports and tell employees that if they become union members, much of their dues will be going to pay the salaries and expense accounts of union officials.
- Point out provisions in the union’s constitution and bylaws that are disadvantageous to the employees, such as punishable union offenses, picketing

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requirements, union trials and provisions for suspension, expulsion, fines and assessments by the union.

- Explain to employees that they will be required as union members to follow the orders of union officials; they will effectively have another “boss.”
- Advise the employees that if they become union members, they will have to obey all the union rules found in the union constitution and bylaws.
- State that the company prefers to continue to deal directly with its employees, without intervention by an outside union that has no real interest in the success of the business.
- Tell the employees that if they select a paid agent to represent them (the union), the company will probably have to hire lawyers or other experts to represent the company. This will be an expense to both parties, and the company would rather iron out problems with the employees directly.
- Answer questions from anti-union employees about what they can do to oppose the union by telling them of their legal right to actively campaign against the union, provided they observe the same rules imposed on the other employees. However, the company is prohibited by law from giving financial assistance to anti-union employees.
- Say that the company will recognize the union and bargain in good faith if there is a valid NLRB certification that requires it to do so, but that any improvements in wages and benefits are “negotiable” and not automatic, as the union might suggest.
- Explain to employees that good faith negotiations can lead to higher wages and benefits, the same wages and benefits, or lower wages and benefits than they now receive. No one can predict what will happen in negotiations.
- Tell the employees that the company would bargain with the union in good faith and do everything humanly possible to avoid strikes; but if the union called an economic strike, the company would have the legal right to hire permanent replacements for such strikers, with strikers being placed on a preferential hiring list subject to recall if openings occur.

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- Point out the indirect costs of unionization that the company wants to avoid: executive time spent in bargaining sessions; working time of employees spent on union business; cost of hiring lawyers and other labor relations experts. Money spent for such costs obviously cannot go to the employees in higher wages.
- If applicable in your state, inform the employees that strikers are not eligible for unemployment insurance compensation benefits. Remind them that they do not get paid by the company while striking.
- Listen sympathetically to employee problems and grievances, but explain to employees that the company is legally prevented from making promises of new benefits during the union campaign.
- Enforce lawful no-solicitation, distribution and access rules without discrimination between pro-union, anti-union and nonunion activity.
- Administer appropriate disciplinary action for any employee threatening or coercing other employees, whether for or against the union.
- Request union officials leave the company's property where the company has a lawful no-access rule that is also applied against nonemployee solicitors who are not connected with a union. Escort them off the property. Call the police to have them removed if necessary. However, this should be a last resort because the company should avoid confrontations.
- State that under most union contracts, employees are expected to take their grievances up through union stewards or agents and not to management directly. The union can usually veto the grievance somewhere along the line. Without a union, employees can take their problems as far up as they have the fortitude to go, and no union official can turn thumbs down on their right to go to management.
- Remind employees that every person put between company representatives and employees makes it more difficult to communicate.
- Explain to employees all of the benefits they presently enjoy. Where these benefits compare favorably with the terms of a union contract, be sure to emphasize that fact.

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- Remind employees that unions can fine members who cross union picket lines, that the union can sue in court to collect the fines, and that judgments for union fines are enforceable through garnishment and attachment, just like any other court judgment.
- Tell employees that signing a union authorization card does not commit them to vote for the union in an NLRB election.
- Inform employees that during the 12 months following certification of an NLRB election that is won by a union, the employees cannot vote the union out in another NLRB election, and if a contract is signed during this period, it acts as a bar to decertifying the union for up to three more years.
- Tell employees about any bad experiences company representatives personally have had with union, so long as the descriptions are factual and accompanied by assurances that such things would not necessarily occur there.
- Refute any untruths in the union's propaganda.
- Emphasize that employees are free to vote either for or against the union. The company will not retaliate in any way against union supporters; thus, there is no reason to vote for the union simply to protect the jobs of open union adherents.
- Tell employees that the company respects their right to do as they wish, but personally prefers not to have a union at the company.
- Tell employees that there will be no automatic pay increases, no automatic improvements in fringe benefits, and no automatic union contract if the union wins an election. Everything will depend on what happens in collective bargaining negotiations.
- Tell employees that the company does not have to agree on a contract or on any certain pay or benefits just because some other company has agreed to them.

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What Supervisors and Other Management Cannot Do:

- Fire, reprimand, assign to less desirable jobs or otherwise prejudice the employment status of a worker because of his or her union views or sympathies (or because he or she complains about working conditions).
- Threaten employees in any way to deter them from union activity.
- Retaliate against employees who file NLRB charges or give testimony to the NLRB.
- Say you will close down the company or move it to another location if your employees vote for the union.
- Cut out employee privileges, suddenly crack down on tardiness or absenteeism, institute tougher work rules or otherwise attempt to punish employees for union activity.
- Question employees about their union views, activities, or sympathies.
- Question employees about the causes of their dissatisfaction and expressly or impliedly promise to make corrections.
- Ask an employee if he or she has signed a union “authorization card,” or attended a union meeting, if he or she intends to, whether other employees have, or why anyone has done so.
- Question an employee as to how he or she is going to vote in an NLRB election.
- Promise or grant employees pay increases or new benefits during a union drive for the purpose of making unionization less attractive to them.
- Engage in spying on employees concerning their union activities (for example, standing or parking outside of a union meeting place).
- Give workers the impression that company representatives are engaging in spying on their union activities.

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- Enforce company rules strictly against union supporters, while being lenient toward pro-company employees.
- Connive to make a union supporter quit his or her job by purposely assigning him or her undesirable work, or by deliberately imposing intolerable conditions on his or her employment so that he or she is pressured into quitting.
- Visit employees at their homes to systematically solicit their support against the union.
- Sponsor or circulate an anti-union petition among the employees.
- Take a poll of employees to see what their views are concerning unionization
- Interview employees one at a time or in small groups concerning their union views or opinions.
- Hold election campaign meetings with groups of employees on company time during the 24 hours immediately preceding the opening of the NLRB election polls.
- Solicit or assist employees in revoking authorization cards or in resigning from the union.
- State flatly that you will never bargain with the union.
- Tell employees that the company will definitely never grant the union's demands and that there will definitely be a strike.
- Prevent employees from talking with each other about the union, handing out or signing union cards during their non-work free time, including before and after work, at lunch, or during break times.
- Prohibit employees from passing out union literature in nonworking areas on their own non-work free time.
- Distribute to employees or make available anti-union buttons for employees to wear (although employees are free to make and distribute their own).

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- Stress the inevitability of strikes and incessantly dwell on the probability of violence and personal injury, particularly where the information mentioned relates to a different union than the one seeking support from the company's employees.
- Base the company's campaign overwhelmingly on an emotional appeal rooted in racial prejudice.
- Misrepresent NLRB processes or procedures.
- Promise or give employees special favors for influencing other employees against the union.
- Use third parties in the community to threaten employees or coerce them because of their union activities.
- Carry out necessary layoffs in such a manner as to deliberately weed out union supporters.
- Question employment applicants as to whether they are or have been union members.