

WHAT THE LAW SAYS THE COMPANY'S REPRESENTATIVES MAY NOT DO IN A UNION ORGANIZING CAMPAIGN

Keep in mind that while a union organizing campaign is in progress, the conduct of Company officials and supervisors is under careful scrutiny. During a campaign, it is important to keep in mind three basic rules:

FIRST, a company is NOT permitted to discriminate against employees because of their union sympathies and/or activities in order to discourage such activity;

SECOND, a company is not permitted to interfere with union organizing, campaign, or election activities (such as union meetings) by making threats or promises in order to discourage such activity; and

THIRD, as a general rule, during the formal NLRB election campaign, the company cannot make or announce any unilateral changes regarding wages, hours or working conditions which are mandatory subjects of bargaining.

The union, and the National Labor Relations Board, strictly scrutinize an employer's conduct during the so-called "critical" period, which is the period of time between the date a representation petition is filed with the NLRB and the ensuing campaign period leading up to an election. Specific types of employer conduct are carefully reviewed by the NLRB and may serve as grounds for setting aside elections or for requiring bargaining without an election.