

Employee Rights (as outlined by the NLRB)

Under the National Labor Relations Act (NLRA), employees have the right:

- To self organize;
- To form, join or to assist labor organizations;
- To distribute or solicit support during non-working times and distribute union materials in non-working areas
- To discuss issues and voice opinions when on duty and in work areas, provided it is not disruptive to operations
- To bargain collectively through representatives of their own choosing;
- To act together for the purpose of collective bargaining or other mutual aid or protection;
- To refuse/refrain from any or all such activities;

Management Rights

Management has the right:

- To plan, control, staff and organize operations as you would do on a normal daily basis.
- To counsel and discipline employees when needed as long as it is consistent with policy and does not unjustly discriminate against an employee solely because of the employee's union activity;
- To talk to employees frankly about:
 - the benefits they already have without a union;
 - third party representation is not in the best interest of the employee or the company
 - disadvantages of a union, i.e. dues, fines, assessments, strikes, picket line duties, etc;
 - any experience you may have had with a union;
 - the union cannot force the company to agree to anything that is harmful to the welfare of the company;
- to correct any propaganda about or by the union that is untrue or misleading;

You Cannot As a Manager ...

- T** Threaten employees in any way to deter them from union activity. Management cannot threaten loss of jobs or benefits. In addition, employees cannot be fired for the sole purpose of discouraging union activity. This would be considered discriminatory
- I** Interrogate an employee about his/her union views, activities, voting. For example, employees cannot be asked how they will vote. They also cannot be asked about union meeting activities or who is involved in the union.
- P** Promise employees pay raises or new benefits or increase pay or benefits during a campaign to make the union less attractive. Management also cannot solicit grievances during this time period.
- S** Spy on employees concerning union activities. Management cannot attend union meetings or observe employees going into or coming from union meetings.

You Can and Should:

- Listen to what employees say.
- Treat union solicitation and other activity the same as you would treat other solicitation activity.
- Share your opinions with employees regarding past union experiences you may have encountered.
- Answer questions freely, openly and honestly
- Allow employees to communicate to each other about their views on the union as long as it is not disruptive and does not interrupt patient care.
- Management by walking around still works. (MBWA)
- Be available to answer employees' questions. If you do not know the answer, be truthful with the employees and tell them you will find out the answer and get back with them.
- Discuss the disadvantages of the union.
- Report what you see that is out of the ordinary to your manager and/or Human resources.
- Inform the employee of his/her rights. They have the right to sign a card and attend union meetings. They also have the right not to sign an authorization card, and not to attend meetings.
- State that the hospital management prefers that the hospital remain union free. The employees are free to support the union. However, it is desired they do not.
- Remind the employees of the "critical decision" they will be making if the election is held and how important it is for everyone to make an "informed" choice.
- Explain the 50% + 1 vote calculation.
- Remember the TIPS rules. Do not threaten, interrogate, promise or spy.
- Be prepared to refute any untruths in the union's propaganda.
- Inform the employees that signing an authorization card does not commit that person to vote for the union in the election. If an employee signed a card under pressure or just changed his/her mind and wants the card back, he/she may write to the union and NLRB and ask for the card to be returned.
- Discuss the benefits that the employees currently have.

If you need assistance in any of these areas, please contact your local or corporate Human Resources Department

Supervisors Guide To Union Organizing

Constangy, Brooks & Smith, LLP

Labor unions are becoming more active in their organizing efforts. This new activity is the direct result of several years wherein union membership and union revenues derived from dues have continually declined. Overall, several million members and hundreds of millions of dollars in revenue have been lost. As a result, all organizations, and are more of a target for unions than ever before.

The rights of employees to form or join labor organizations as well as their right to refrain from doing so is protected. Working with employees in a cooperative spirit does more to assure the best possible wages, benefits and working conditions than would a collective bargaining situation.

Professionally addressing union organization activity at an early stage provides a better chance of avoiding a full-blown organizing effort. The following material will be helpful and important to review on a regular basis along with regular communications with employees about their workplace concerns.

Union Activity Checklist

Warning Signs and Indications of Union Activity

These warning signs by themselves are not a sure indication that union organizers are at work. However, it would be a mistake to ignore any of them, no matter how insignificant they appear. Learn to recognize changes in behavior and routine and compare notes with other members of management.

Level I – Behavioral Changes

	Yes	No
1. Have you observed any employee(s) getting an unusual amount of attention and conversation from other employees?	___	___
2. Have you observed employees moving about actively with other employees during break time, meal periods, or before and after their work shift?	___	___
3. Have you observed any employee(s) stops talking with another employee(s) when you approach them in their work area, break time, or at meal times?	___	___
4. Have you observed an employee(s) who was formerly friendly and cooperative becoming unfriendly and cooperative or “silent” when you talk with them?	___	___
5. Have you observed an employee(s) previously considered “quiet” or a “constant complainer” who now seems more “open” and cooperative?	___	___
6. Have you noticed any “new Leaders” speaking up during employee meetings with management who previously had little to say?	___	___
7. Has there been a recent increase in employee(s) questions about pay, policies, work rules, or employee benefits?	___	___
8. Have you observed any substantial increase or decrease in productivity of any employee or groups of employees?	___	___
9. Have you institute any recent policy changes resulting in “tightening down” on issues such as absenteeism, tardiness, production, etc.?	___	___
10. Has the employee “grapevine” gone dead or does an unusual silence exist among employees?	___	___
11. Have you observed an increase in any employee(s) coming to work unusually early and talking with other employees before their shift begins?	___	___
12. Have you observed or heard of an employee(s) coming back on the premises after the shift to contact other employees inside or at the parking lot	___	___
13. Has any employee(s) recently attempted to provoke a supervisor, be uncooperative, or refuse to perform a job assignment?	___	___

Level I cont.

	Yes	No
14. Has any recently discharged employee(s) been seen returning to the parking area or on the premises talking with other employees?	___	___
15. Have you noticed the presence of unfamiliar “strangers” at the beginning or end of the shift, talking with employees?	___	___
16. Has an employee(s) requested to have a fellow worker be present during a recent “disciplinary interview” with a supervisor or manager?	___	___
17. Has there been any increase in employee complaints or grievances dealing with “seniority”, “job security”, “fair treatment”, etc.	___	___
18. Have you instituted any wage/benefit reductions or cost-containment measures recently or had complaints about increase?	___	___

Level II - Overt Actions

	Yes	No
19. Have you observed any “anti-management” graffiti on bulletin boards or in restrooms?	___	___
20. Have you seen any printed materials such as union handbills, union authorization cards, or notices of union meetings circulated on the premises or posted on bulletin boards?	___	___
21. Have you seen any employee(s) writing down names of other workers from posted work schedules or lists?	___	___
22. Has any employee(s) reported being contacted at home by telephone or in person by a fellow employee “union pusher” or union organizer?	___	___
23. Have you observed any employee(s) wearing a “union button”, cap, or tee shirt with a union logo?	___	___

Activity Level Indicator

Level I Three (3) or more items checked “yes” – concerted activity-open and prevalent-employee(s) vocal on issues-good assumption action may be motivated by union pushers or issues that could lead to union. Contact Human Resources immediately.

Level II One (1) or more items checked “yes” –overt union activity-union representative probably involved. Contact Human Resources