

# THE HOW TO GUIDE OF REMAINING UNION FREE

Prepare yourself, this is  
what the company will  
use to defeat you!

- When employees start to organize, the employer must fight back strong in the form of union-busting.
- Hiring a trained consultant will prevent employees from exercising their right to organize. The trained consultant attorney will train supervisors on what to say to persuade workers to vote down a union. It does not matter if it's a bus driver, a nurse, a tech or a retail worker, the script, if followed, works.
- In this Anti-Union Playbook, you will find the strategies and examples of how to defeat the union every time.

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# EIGHT THINGS TO DO TO KEEP YOUR WORKPLACE UNION-FREE

## 1. HIRE ONE OF OUR TRAINED CONSULTANTS WHO SPECIALIZES IN EMPLOYERS REMAINING UNION-FREE

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Lawyers and “labor-management” consultants are very helpful to employers to keep workers from exercising their right to form a union. Companies can also send managers and supervisors to union-avoidance seminars and follow our consultant-prepared “scripts” for keeping unions at bay. These trainings are well worth it for rather than having to pay more into benefits, working conditions and even better pay for your employees and not having to deal with a Union in the process. Why increase your labor costs when you don’t have to.

## 2. TELL THEM TO WAIT AND SEE

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The Wait and See argument is a very common technique that will be taught when you hire a trained union avoidance consultant. When your workers try to form a union, tell

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your supervisors to start making some improvements to convince the people that they don't need to join together to form a union. Once the union talk dies down you can change everything back. You do not have a legally binding contract so any improvements you did you can take back.

### **3. GET A FEW EMPLOYEES TO CAMPAIGN AGAINST THE UNION.**

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Encourage a "No Union" committee, they will circulate material that has the "employer's perspective" and you can even provide the material for them but just make sure it looks homemade so it doesn't look like you are paying for it. If your management team has friends or relatives among the workers have them recruit them to start an anti-union committee. Also recruit workers who are opposed to unions or people who have had bad experiences with some other union. Let the anti-union committee know that they will be rewarded if they stick with the company and might even be promoted, but once again, you are not obligated to reward or promote.

### **4. SEND LETTERS TO THEM AND THEIR FAMILY.**

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Send personalized letters to the employees to make them feel as you have an interest in them and you would like to hear their concerns. Doing this you can divide the organizing committee and mislead them, play on their emotions and natural desire to be a good employee.

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## 5. HOLD MEETINGS TO SWEET-TALK — OR BROWBEAT.

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Have required meetings, “Captive Audience Meetings” where managers can give empty promises and have them scare the employees in a subliminal way. For example: have management tell them they are worried for them (example “what will happen to you).” Try to have managers not answer direct questions and have the pro-union supporters out of these meetings. Never talk about the worker’s issues. If you do, this is where the campaign can slip away from you.

## 6. DELAY.

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Try to delay every step of the way and find loopholes in the law to delay union elections or contract negotiations, sometimes we will cross legal lines, your trained consultant will advise you. In this step we are trying to do everything we can to reduce union support because time is on your side and not the union’s. So potential penalties are worth the risk.

## 7. SPRING A LAST-MINUTE SURPRISE.

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Just before workers are scheduled to go and vote on the union, your trained consultant will urge you to hold a special event or go on the attack as it will be too late for union supporters to respond. Examples would be to host a captive-audience meeting with company executives who have flown in from out of town. Make up a charge about the union or anything else that will place doubts in the workers mind.

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## 8. PRESSURE SUPERVISORS TO PRESSURE EMPLOYEES.

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Order your supervisors to take the lead in campaigns against unions, have them also hold one-on-one meetings with workers to eliminate the talk about unions. Put as much pressure as you can on your supervisors to shut down the pro-union talks even prior to the union petitioning for an election. If there is not enough union support then no petition for election will be filed and your worries are over.

# Phrases to use:

- *“Having a union will ruin our ‘family’ work environment. Please give us another chance”*
  - This lets them know that the union will bring on more rules and less flexibility. This plays on their emotions. Express that this has made you look at things differently and you will treat them better and institute an “open-door” policy. Remember promises that you make don’t have to be followed through, if you “forget” you forget.
  - Try not to disclose that the new rules with a union are new rules that will be made up by them.
  
- *“Joining a union may involve you in violence”*
  - Make up stories about violent incidents that involve the union even though they have nothing to do with that particular union.
  - Hire extra security guards around the time of the union election to plant the idea that “there might be trouble.”
  - Encourage acts of violence against the workplace and workers property such as vandalism, tire slashing and blame it on the union.
  
- *“The union can force you to strike-but when you strike they won’t support you”*
  - Suggest that they will be forced out on strike whether they like it or not, and without pay
  - Try to discredit the union when they say strikes only happen if members decide to strike by majority vote by the workers in secret ballots and if they choose to strike they will receive strike support payments.
  
- *“The union is only interested in your money- and you can’t afford union dues”*
  - Distribute “documents” or news clippings that in a way show that the union needs your money to survive.
  - Pass out phony checks with union dues being taken out and bring a bag of groceries with a label that reads “what you could buy with one year’s union dues.”
  
- *“We won’t ever sign a union contract even if you vote for the Union”*
  - Even though it’s illegal to say you won’t agree to a contract and you are obligated to negotiate, you can distribute news clips about other groups of

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workers who voted for a union and didn't immediately get a contract or say "remember we don't have to agree to what you want in your union contract and everything starts over including wages, benefits and seniority and is that worth the risk" to scare them and vote no.

- *"When you sign a card for the Union, you sign your life away. They'll control everything about your job."*
  - This will help you convince workers that they will start getting orders from "union bosses" and they will have control of their job assignments and working conditions and that they will no longer be able to talk directly to management.
- *"You will lose your job"*
  - Portray that the company is barely making it and this could force the company to make some drastic decisions even if you have to go as far as to parking some empty moving vans near the job site before the election to give workers the idea that the company will leave if the union vote wins. Also hint on taking action against those who support the union.

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# Terminology to Know

## **AGENT; BARGAINING AGENT**

A person acting for an employer or a union; a labor organization that is the exclusive representative of all employees in a bargaining unit, both union and non-union members.

## **BARGAINING UNIT**

A grouping of employees that a union represents or seeks to represent and that is "appropriate" (criteria include being a community of interest, not including supervisors) for collective bargaining purposes.

## **CAPTIVE-AUDIENCE MEETING**

Meetings employers often force workers to attend during the workday with the express purposes of communicating anti-union propaganda.

## **CHECK-CARD NEUTRALITY, CARD-CHECK ELECTION/AUTHORIZATION**

Provision that an employer will recognize a union without an election if the majority of workers sign a petition or authorization cards indicating their support of the union.

## **CHECKOFF**

A provision, generally found in the collective bargaining agreement, that allows union dues, assessments and initiation fees to be deducted from the pay of union members who decide to use the check off. The employer then transfers the payments to the union on a scheduled basis.

## **COLLECTIVE BARGAINING; COLLECTIVE BARGAINING AGREEMENT (CBA)**

A method of mutually determining wages, hours and terms and conditions of employment through negotiations between representatives of the employer and the union. The results of the bargaining are set forth in a collective bargaining agreement, or CBA.

## **GOOD-FAITH BARGAINING**

The duty to approach negotiations with a sincere resolve to reach a collective bargaining agreement. This includes sending properly authorized representatives to bargaining sessions and meeting at reasonable times and places and as frequently as may be necessary to avoid major delays.

## **GOON**

Derogatory term for a union activist.

## **GRIEVANCE, GRIEVANCE PROCEDURES**

A formal complaint usually lodged by an employee or the union alleging a misinterpretation or improper application of one or more terms in a collective bargaining contract. The method for dealing with grievances is through a grievance procedure negotiated in the union contract. If a grievance cannot be settled at the supervisory level, it can be appealed to higher levels of management, and finally to arbitration if so provided.

## **LANDRUM-GRIFFIN ACT**

Passed by the U.S. Congress in 1959 and officially known as the Labor-Management Reporting and Disclosure Act, it resulted from improper relationships between management leadership and labor leadership. The act provided for the regulation of internal union affairs, including the regulation and control of union funds; it also restricted certain external union activities and authorized states to process cases that fall outside the jurisdiction of the National Labor Relations Board.

## **LOCKOUT**

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Shutdown of a worksite by the employer to discourage union membership or activity or to force employees to meet the demands or economic terms of the employer.

#### MEDIATION

The attempt by an impartial third party to bring the parties in a dispute together and assist them in reaching settlement. The mediator, however, has no power to force or award a settlement but works instead to persuade the parties to reach agreement.

#### MOHAWK VALLEY FORMULA

**This is basically the union-busting template still in use today.** Thought to have been used first by the Remington Rand corporation in Ilion, New York during a strike in 1936-1937, the plan includes discrediting union leaders, frightening the public with the threat of violence, using local police and vigilantes to intimidate strikers, forming puppet associations of "loyal employees" to influence debate, fortifying workplaces, employing large numbers of replacement workers, and threatening to close the plant if work is not resumed.

#### NATIONAL LABOR RELATIONS ACT (NLRA)/WAGNER ACT

A 1935 United States federal law that limits how employers may react to private-sector workers who work to organize unions, engage in collective bargaining and take part in other activities in support of their demands. The key principles are encouraging collective bargaining, protecting workers' exercise of freedom of association, self-organization, and designation of representatives of their own choosing for the purpose of negotiating the terms and conditions of their employment.

#### NATIONAL LABOR RELATIONS BOARD (NLRB); NLRB ELECTION

The NLRB is an independent agency of the United States government charged with conducting elections for labor union representation and with investigating and remedying unfair labor practices.

#### OUTSOURCING, CONTRACTING OUT, SUB-CONTRACTING

Sending jobs that used to be completed by employees of a company out to vendors for completion and/or using vendors overseas to do certain jobs rather than American workers.

#### PICKET

A form of protest in which people congregate outside a place of work or location where an event is taking place to draw attention to a cause (sometimes called an informational picket) or dissuade others from going in.

#### PREVAILING WAGE

The hourly wage, usual benefits and overtime, paid to the majority of workers, laborers, and mechanics within a particular area.

#### PROHIBITED PRACTICES

The NLRA established things employers may not do related to union organizing:

- Interfere, restrain, or coerce employees against union or collective activity
- Dominate the union
- Discriminate against employees who take part in union or collective activities
- Retaliate against employees who file unfair-labor-practice charges or cooperate with the NLRB
- Refuse to bargain in good faith with union representatives

#### "RIGHT TO WORK"

Refers to laws in some states that allow non-union employees to work at unionized workplaces without joining the union or paying regular union dues. These employees

sometimes, but not always, have to pay unions for the portion of dues spent representing them, such as pursuing grievances on their behalf.

#### **STEWARD**

Union representative of a group of fellow employees who carries out duties of the union within the workplace. The steward is usually either elected by other union members or appointed by higher union officials.

#### **STRIKE**

A work stoppage used as a last resort when labor and management cannot reach an agreement.

#### **TAFT-HARTLEY**

The Taft-Hartley Act (also known as the Labor-Management Relations Act) was passed over then-President Truman's veto in 1947. The act limited employees' ability to unionize by putting additional requirements on them for doing so and forbidding certain kinds of support from other unions. It also forbade unions from contributing to political campaigns and enabled the U.S. Attorney General to prevent strikes if they believed one "imperiled the national health or safety."

#### **TWENTY-FOUR HOUR RULE**

Employers and unions are prohibited from making election speeches on company time to massed assemblies of employees within 24 hours before the scheduled time for conducting an election.

#### **UNFAIR LABOR PRACTICES (ULPS)**

A violation of any of the provisions of the Federal Service Labor-Management Relations Statute. The most common employer ULP violations are in the categories of "duty to bargain" (usually failure to give the union notice of proposed changes in conditions of employment and/or engage in certain types of bargaining), Weingarten ULPs (see below) and failure to provide information

#### **WEINGARTEN RIGHTS**

The right of an employee to have union representation when being examined or investigated by their employer, under three conditions: 1) the examination is being conducted by a representative of the employer, 2) it could result in disciplinary action, and 3) the employee asks for such representation.

#### **WILDCAT STRIKE**

A spontaneously organized strike triggered by an incident, usually unauthorized by the union leadership and of short duration.