



Employer Communications on Unions Are Early and Ongoing

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Employer communications on unions can and do happen well ahead of any effort among workers to organize or file a petition for a National Labor Relations Board (NLRB) election. Companies have many opportunities to present information and opinions on unions to employees in the workplace, starting as early as the first day of hire. Surveys confirm that a significant percentage of employees who have never been involved in an organizing campaign believe their employers are opposed to unions [Richard Freeman, 2007]. With ample access to employees, employer communications on unions can take the following forms:

1. Incorporating views on unions in an employee's new hire orientation

Employers are encouraged by anti-union consultants to incorporate their views on unions into new hire orientation materials and training sessions. The Labor Relations Services company advises employers "not to overlook the importance of educating new hires about your union free philosophy," while the consultancy group Projections produces custom videos for employers to engage in "preventative communications" with new hires. It is well documented that Walmart shares its opinions on unions in the formative stages of employment, airing its views in orientation videos and giving new employees cards that provide numbers to call if they are approached by anyone representing a union [Human Rights Watch, 2007].

2. Disseminating companywide communications about unions

Employers use companywide HR policies and communications vehicles—including newsletters, bulletin boards, intranets, websites, and mailings—to relay viewpoints on unions, and in the case of anti-union employers, to discourage workers from organizing even where there are no efforts underway. Walmart's "Open Door" policy, wherein workers are encouraged to discuss their employment grievances with management, was viewed in an NLRB decision as a way to preempt a union presence [NLRB Division of Judges, 6-CA-31556, 2003]. Though organizing efforts were only underway in a few worksites, FedEx Ground communicated its opposition to unions through a letter sent to all drivers, and Verizon Business created a custom anti-union website to communicate its opposition to unions companywide [American Rights at Work, 2007]. In a video Home Depot recently forced all of its employees to watch, a supposed associate lamented: "We hope you never have to deal with a union organizing drive in your facility" [Southern Progressive blog, 2011].

3. Identifying and responding to early union activity

An employer might also begin communicating its views on unions as soon as employees begin discussing a possible union effort. Anti-union consultants counsel employers to "conduct an aggressive, intimidating offensive as soon as any workers begin discussing unionization" [Gordon Lafer, 2007]. They warn supervisors to watch out for any discussion of unions, employees meeting or talking in out-of-the-way places, or even the formation of new social bonds.

Employers are also advised to prevent employees from signing union authorization cards, which 30 percent of eligible voters must sign for the NLRB to schedule an election. In virtually every anti-union manual, employers are encouraged to forcefully campaign to prevent employees from signing enough cards to trigger an election, noting that: "No company has ever lost an election that wasn't held" [John Logan, 2002]. Campaign suggestions include sharing anti-union views

through supervisor one-on-one meetings with subordinates, anti-union posters and letters, and mandatory 'captive audience' meetings where employees are required to listen to management presentations about unions [Lafer 2007].

4. Communicating views on unions prior to the filing of an election petition

New research confirms that employers do not wait until workers file a representation petition with the NLRB or until an election is scheduled to start discussing their views on unions, often stepping over the line into illegal behavior. Employees frequently file serious unfair labor practice charges alleging illegal employer tactics with the NLRB well before any petition for an election has been filed. In fact, "30 percent of serious violations against workers by employers occurred 30 days before the petition was filed and 47 percent of all serious allegations against employers occurred before the petition was filed." Specifically, 60 percent of instances of employers illegally interrogating workers, 54 percent of employers communicating coercive statements, and 39 percent of workers' firings were all alleged to occur prior to the petition being filed. Ultimately, the authors conclude, "**some of the most egregious employer opposition starts even before the union has filed the petition**" [Kate Bronfenbrenner and Dorian Warren, June 2011].