

YOUR VULNERABILITY ASSESSMENT

PUBLISHED BY:

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Please note: The advice presented here is recommended by Projections, Inc., but not intended to take the place of proper legal counsel. Please consult your attorney on all matters relating to labor relations and proper execution of these strategies.

After more than 30 years of helping companies remain union free, today employee communications company, Projections, Inc. helps their clients understand that union prevention strategy isn't "one size fits all." There are many factors – internal as well as external – that are used to gauge a "union threat" level. Understanding these factors and their individual impact will give management a better idea of what type of union prevention place needs to be in place.

PRE-ASSESSMENT: THE BASICS

Before getting started, it's important to lay the foundation for avoiding unionization. A 3-part approach will cover the basics. The first of these is for your newest employees. A straightforward explanation of the company's union-free philosophy should be a permanent part of the employee handbook, and should be communicated on day one in a powerful but not heavy-handed way.

Second, also on the policy side but for current employees, consider crafting a legal non-solicitation/non-posting policy that covers all electronic and printed materials. Be sure to consult legal counsel on the best wording for these policies, but educational information is available, including a complimentary webinar, that can be found on Projections' Insider Network (<http://www.ProjectionsInc.com/portal>).

The third leg of this basic foundation is to make sure supervisors and managers have been educated on lawful union avoidance tactics. One of the most effective tools for this information is the Supervisors Can Keep You Union Free series. Originally available only on DVD, the series is now also available as self-paced e-Learning and will properly train supervisors at all levels of a union campaign.

UNION VULNERABILITY ASSESSMENT

With this 3-part foundation in place, a more comprehensive vulnerability assessment can take place. Begin with five key areas: employees, geography, industry, local factors, and corporate concerns. Projections recommends rating these areas on a 10-point scale, with a “1” being low risk, and a “10” being an area where serious and immediate attention must be given.

- 1) Employee concerns.** Positioning the company as an “employer of choice” can be a strong component of an effective union avoidance strategy. It’s important to know what employees feel the company’s key issues are (not just wages, but job security, healthcare, etc.), and how you have responded to them. One way of getting an accurate gauge is anonymous employee surveys; an open and frank ongoing dialogue with direct supervisors is also a powerful tool.
- 2) Location, location, location.** Geographic diversity and number of locations are also factors to consider. Differing factors can affect different locations, making some locations more prone to unionization than others. Understand pro or anti-union culture of each area, and research statistics on organization and unionization. In many companies, there are locations where unionized and union-free employees work side-by-side. This can make union-free employees much more susceptible to organization, whether or not it’s in their best interest, as unionized employees will see the potential for strength in adding members.
- 3) Wisdom of the industry.** Of course, certain industries are more prone to unionization than others. Organized labor has publicly announced that their current plans include organizing workers in healthcare, construction and transportation. But even that is evolving to include very visible fast-food industry organizing campaigns. A generation ago, the industries most likely to be unionized were manufacturing or automobile parts, but that effort has seemingly run its course. Today, becoming a target can have more to do with the living standard within an industry: low wage, low skill set workers are those most likely to be supportive of unions and their promises.
- 4) The local level.** Know which unions are most prevalent locally (not just in the relevant industries, as almost every union today recruits outside their core specialty). Local unions will often outline their playbook on their website or at least post key documents and information that provides insight into targeted areas and even lists local companies. Know the local union well - their finances, membership, local corruption cases, and whatever other information may help illuminate the truth if the need

arises.

5) **The big picture.** Corporate campaigns, when unions engage in all-out media, PR, and public campaigns to pressure a company into unionization, are increasingly common. Union organizers will research public records, including lawsuits filed by employees (or former employees), FLSA or safety violations, even going so far as staging protests, and calling on religious and community leaders as a way of spearheading their organizing drive. The more infractions or weaknesses they can dig up, the sooner the targeted company is likely to give in, even without employee consent. But because corporate campaigns are costly and time-consuming, unions often ask for a neutrality agreement instead. Within a neutrality agreement, companies agree to allow a union access to employees without interference in exchange for not having the company's name damaged in the court of public opinion.

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DEVELOPING YOUR COMPANY STRATEGY

DEVELOPING A PERSONALIZED UNION PREVENTION STRATEGY

After assessing these 5 key areas, it is time to develop a personalized union avoidance strategy and the communication plan to put that strategy into action. Based on the “points” you assigned to each of the 5 areas in the previous exercise, take a look at the following strategies and resources:

5-10 points: Low-risk. If the assessment shows high employee morale, little to no union interest, and lack of union presence in the area then the company can be considered to be at a low risk for unionization. Don't assume that at the low risk level there is no need to take action. The truth is essentially the opposite. Unions have long had their best success with unsuspecting businesses, who are simply not talking with their employees, assuming that all is well.

Being low-risk simply means that the strategies (or luck) in place are working today, not necessarily that they will continue to work tomorrow. Provide supervisors with effective labor and employee relations training. Have your labor & employment attorney review the employee handbook for legal compliance and maximum union prevention effectiveness, and analyze state and local laws. Complete preliminary research on any unions that may be a threat. While it may seem counter-intuitive, it's also vital to begin communicating directly with employees about the company's union-free philosophy. This communication should include an introductory “labor relations 101” video such as Projections' “IceBreaker” (for new hires and current employees) that explains the company's union-free philosophy and the reasons behind it.

11-20 points: Moderate risk. At the moderate risk stage, companies have employees who are in a demographic group that is receptive to unions, there is often evidence of union interest at the facility, and unions are present in the immediate area. More aggressive strategies are necessary at this point. Comprehensive role-play-based supervisor training on legal methods of dispelling union propaganda is vital. As for employees, review any issues that have been raised and immediately address all legitimate concerns. This would likely mean taking a hard look at terms and conditions of employment. Education campaigns should also continue. A video like “Little Card, Big Trouble” could be utilized to dispel union myths and explain the dangers of signing a union authorization card. At this point, it may also be necessary to develop a web presence, such as a UnionFree.com

website to reach beyond the company and into employees' homes. A UnionFree.com site is also a powerful and effective resource to counteract the online organization that is undoubtedly taking place.

21-50 points: High risk. If you are in the high risk zone, danger signs include low employee morale and a strong union presence within the area, and may include card signing activity and immediately obvious union organizing activity. Legal counsel is strongly recommended at this point, as all union prevention measures must be done within the confines of the NLRB's rules. Direct communication with employees is vital, and should come in a form employees expect based on previous communication: personal contact, meetings, videos, websites, letters, and newsletters. This communication strategy should be crafted immediately, beginning with a custom-developed Role Play video to get the issues out into the open, adding a campaign-specific web presence for employees, and implementing training resources on topics such as organizing, bargaining, job security, and strikes. If a petition is still filed, despite this communication strategy, a custom "25th Hour" video can truly make the difference in a union election vote.

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