

A man in a brown shirt and blue checkered apron is holding a very large sandwich. He is looking at the camera with a serious expression. The sandwich is stacked high with lettuce, tomatoes, onions, and meat. He is holding a knife in his right hand and a fork in his left hand.

Unions Want to Eat Your Lunch: The Surge In Restaurant Union Organizing

WHY ARE WE HERE TODAY?

UNDERSTAND THE REASONS **WHY** WE PREFER TO
OPERATE UNION FREE!

UNDERSTAND HOW UNIONS ORGANIZE AT COMPANIES –
AND HOW TO LIMIT THEIR SUCCESS

REVIEW PRO-ACTIVE VS. REACTIVE APPROACHES

INTENDED TO SAVE US **TIME, MONEY** AND **STRESS!**





OUR GOALS TODAY?

- LEARN HOW TO LAWFULLY DETECT & REACT TO UNION ACTIVITY AT EARLY STAGES
- LEARN HOW TO **LEGALLY** LIMIT UNION ORGANIZING ACTIVITY
- LEARN HOW THE DAILY PRACTICE OF FAIR & POSITIVE EMPLOYEE RELATIONS SKILLS CAN KEEP EMPLOYEES ON OUR SIDE!





WHY DO WE PREFER TO DEAL DIRECTLY WITH OUR EMPLOYEES?

- To maintain maximum flexibility
- To preserve our culture of teamwork
- To motivate exceptional performance
- To coach up employees who fall behind
- To maintain accountability and standards of excellence
- To provide a workplace where employees rely on and support the company and one another



RISKS POSED BY UNION INTERFERENCE

- Potentially destroys sense of “team”
- Can create an “us versus them” mind set
- Prioritizes seniority over performance
- Can restrict our ability to adapt and change
- Can erode a culture of accountability
- Interferes with direct communications
- Additional costs (grievances, negotiations, attorneys,)



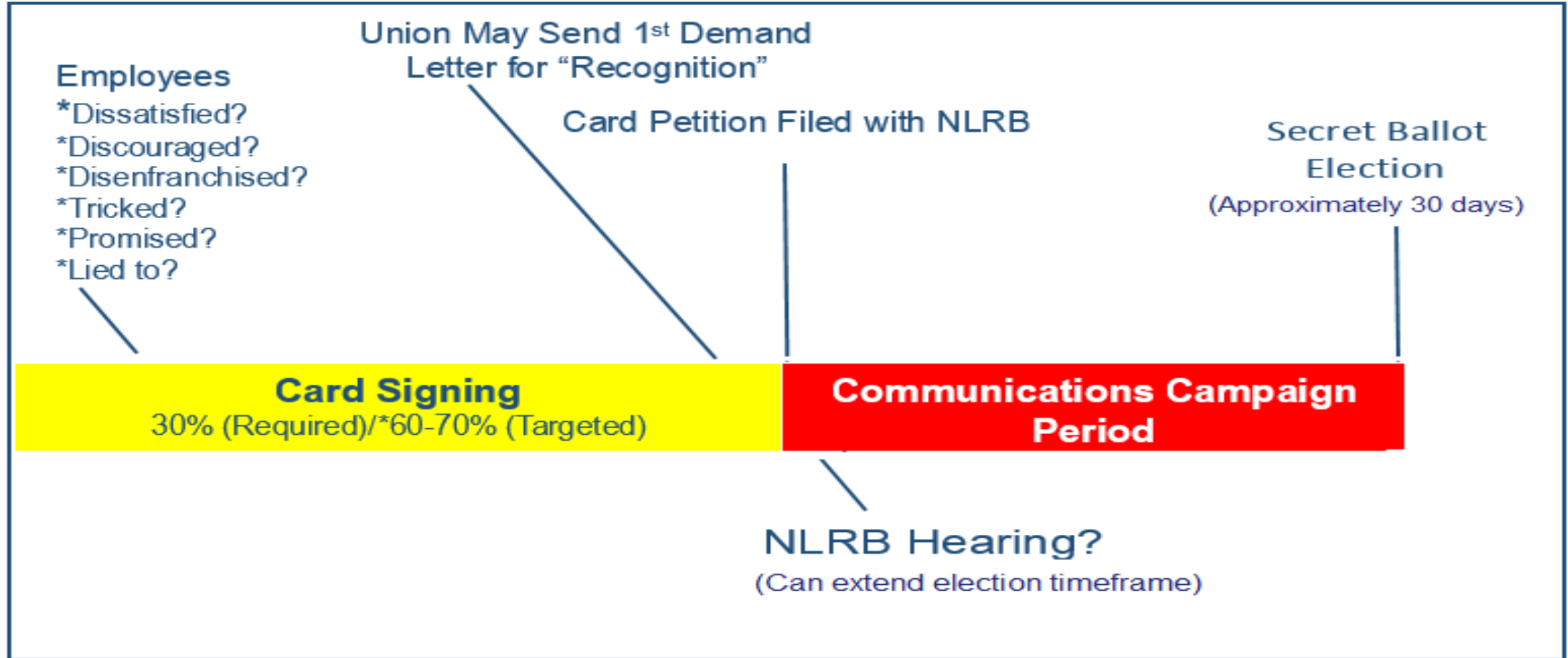
Why are we here?

- In FY24, the NLRB received over **3,184 union election petitions** – an increase of **28% from FY23**.
- Election petition numbers are driven by a spike in employer-filed RM petitions – which saw a **689% increase in FY24 following the Board's *Cemex* decision**.
- Unions prevailed in **78%** of elections from union-filed petitions and **71%** of elections from employer-filed petitions.







NLRB ELECTION DIAGRAM: SCHEDULING





NLRB ELECTION DIAGRAM: SCHEDULING

 **UNITED STATES OF AMERICA**
National Labor Relations Board
32-RC-259399 

OFFICIAL SECRET BALLOT
For certain employees of
ENEL NORTH AMERICA, INC.

Do you wish to be represented for purposes of collective bargaining by
**INTERNATIONAL BROTHERHOOD OF ELECTRICAL
WORKERS, LOCAL UNION 1245?**

MARK AN "X" IN THE SQUARE OF YOUR CHOICE

YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
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DO NOT SIGN THIS BALLOT. See enclosed instructions.
The National Labor Relations Board does not endorse any choice in this election. Any markings that you may see on any sample ballot have not been put there by the National Labor Relations Board.



THE REAL GOAL OF UNION ORGANIZING DRIVES?

- UNIONS NEED TO GET EMPLOYEES' SIGNATURES
- SIGNING AN AUTHORIZATION **LEGALLY** INDICATES AN EMPLOYEE WANTS THE UNION TO “REPRESENT” HIM/HER
- CARDS: LIKE A “POWER OF ATTORNEY”!
- VALID FOR ONE YEAR
- ONCE SIGNED – NOT EASILY REVOKED!
- UNIONS ONLY NEED 30% SIGNED UP TO PETITION!



WHAT TO LOOK OUT FOR?

- WHEN EMPLOYEES FIRST REACH OUT TO A UNION
- SETTING UP AN IN-HOUSE ORGANIZING COMMITTEE
- DEVELOPING “ISSUES” TO GET EMPLOYEES TO COMMIT
- THE IMPORTANCE OF KEEPING “A LID ON” UNION ACTIVITIES
 - NO VISIBLE UNION CARDS ON SITE
 - NO UNION LITERATURE ON SITE
 - NO COMMENTS TO MANAGEMENT

WHAT TO LOOK OUT FOR?

- LEARNING TO OBSERVE CHANGES IN BEHAVIOR
- LEARNING TO OBSERVE CHANGES IN ATTITUDES
- WATCHING FOR GROUP DYNAMIC INSIGHTS
- KNOWING WHEN TO GET HELP





WHAT TO LOOK OUT FOR?

- EMPLOYEES AWAY FROM NORMAL WORK AREAS
- EMPLOYEES STOP TALKING WHEN MANAGEMENT WALKS UP
- EMPLOYEE GROUPS CHANGE
- RISE OF NEW LEADERS
- OLD OR “DEAD” ISSUES RESURFACE
- GROUP COMPLAINTS





WHAT TO LOOK OUT FOR?

- EMPLOYEE PARTICIPATION/ACTIVE FEEDBACK FALLS OFF
- DISTRUSTING RATHER THAN TRUSTING CLIMATE
- ARGUMENTATIVE QUESTIONS AND CLIMATE
- UNUSUAL QUESTIONS ABOUT POLICIES AND PRACTICES



WHAT TO DO WHEN CARD-SIGNING ACTIVITY IS DETECTED

RECOGNIZE/INVESTIGATE EARLY WARNING SIGNS

FOLLOW EARLY WARNING SYSTEM GUIDELINES

KNOW THE WHEN/HOW AND WHO TO
COMMUNICATE WITH ABOUT POSSIBLE UNION
ACTIVITIES

COMMUNICATE – AS NEEDED





LEGAL PARAMETERS FOR SUPERVISORS/MANAGERS



UNDER THE NLRA – SUPERVISORS AND MANAGERS ARE “**AGENTS**” FOR THE EMPLOYER



EVERYTHING SAID OR DONE **BY** A SUPERVISOR MAY BE DEEMED TO BE ATTRIBUTABLE TO AN EMPLOYER

Why Employees Turn to Unions

Poor treatment by manager/supervisor

Lack of respect

- Feel their opinions are ignored
- No one listens to their cares or concerns

Favoritism

Inadequate headcount, excessive overtime,
disregard for personal schedules

Safety issues

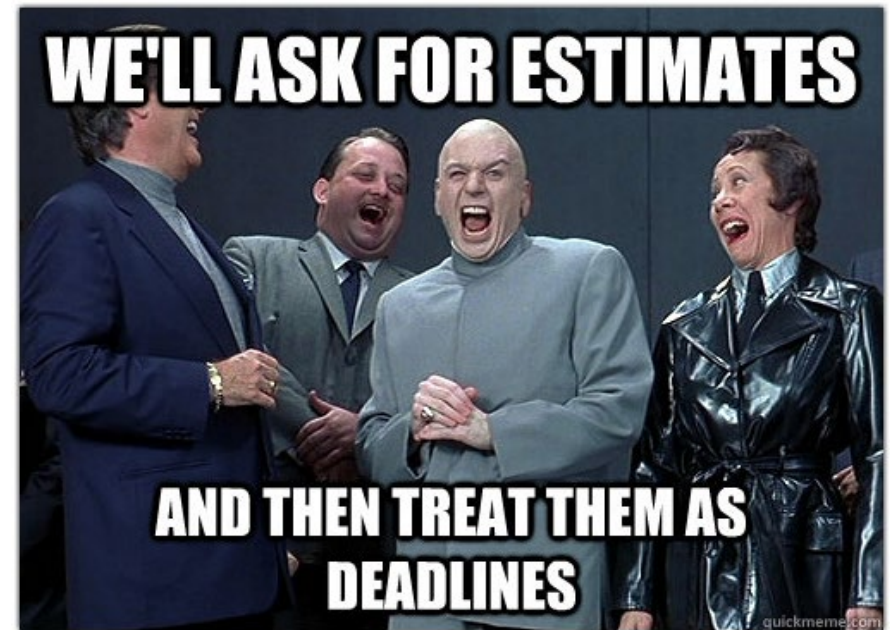
Lack of management credibility



Why Employees Turn to Unions

THE #1 REASON: Poor Treatment by supervisors!

- Supervisors can prevent this
 - Treat employees respectfully
 - Remember the Golden Rule
- Supervisors ARE the Company
 - In employees' eyes
 - In the law's eyes
 - You are crucial to remaining union-free





Be Professional

- Set a good example
- Don't become too familiar with subordinates
- Don't criticize the Company or management





FREE SPEECH PROVISIO

SECTION 8(C) OF THE NATIONAL LABOR RELATIONS ACT:

“THE EXPRESSING OF ANY VIEWS, ARGUMENTS, OR OPINIONS, OR THE DISSEMINATION THEREOF, WHETHER IN WRITTEN, PRINTED, GRAPHIC, OR VISUAL FORM SHALL NOT **CONSTITUTE OR BE EVIDENCE OF AN UNFAIR LABOR PRACTICE** UNDER ANY OF THE PROVISIONS OF THIS ACT, **IF SUCH EXPRESSION CONTAINS NO THREAT OF REPRISAL OR FORCE OR PROMISE OF BENEFIT.”**

THIS PROVISIO GRANTS YOU FREEDOM TO EXPRESS YOUR AND THE EMPLOYER’S VIEWS



WHAT CAN YOU DO? SAY?

SECTION 8(C) SAYS SUPERVISORS CAN OFFER:

F FACTS

O OPINIONS

E EXPERIENCES



KNOW THE FOE

EXAMPLES OF FACTS

- UNION MEMBERSHIP HAS BEEN DECLINING SINCE THE 1950s – 6.2%!!
- NO COMPANY HAS TO AGREE – IN BARGAINING – TO ANY REQUESTS THAT A UNION MAKES!
- UNIONS AND COMPANIES AGREE ON FIRST CONTRACT TERMS IN LESS THAN 35% OF ALL CASES
- In 2018, only 6.4% of private sector employees were union members.
 - For example: UAW reported in 2018 it had lost 35,000 members (9%) in the past year.
- The amount of dues you have to pay for this union per month is \$XXX.



KNOW THE FOE

EXAMPLES OF OPINIONS

- FLEXIBILITY IS THE KEY TO OUR SUCCESS. DURING NEGOTIATIONS, A UNION COULD INSIST ON WORK RULES THAT COULD LIMIT OUR FLEXIBILITY AND HURT OUR ABILITY TO WORK AS A TEAM
- WE DO NOT NEED A UNION HERE! WE ARE BETTER OFF WORKING TOGETHER – LIKE WE DO NOW
- WHEN A UNION IS ONSITE, THERE IS USUALLY CONFLICT INSTEAD OF COOPERATION



KNOW THE FOE

EXAMPLES OF EXPERIENCES

- YOU CAN RELATE ANY EXPERIENCES YOU KNOW ABOUT OR HAVE PERSONALLY HAD
- **BUT ... you cannot** end your story by saying (or implying) “and the same thing will probably happen here if the union gets in.”
- PERSONAL EXPERIENCES CAN BE PERSUASIVE!



WHAT YOU CANNOT DO OR SAY!

T THREATEN

I INTERROGATE

P PROMISE

S SPY



THREATS

Examples

- Job loss
- Denial of a promotion
- Plant closings, etc.

Vague vs. Specific

- Don't try to be clever

Opinion vs. Fact

- As a supervisor, your “opinion” may be viewed as a fact.

Why DO It?

INTERROGATION

- Can't ask who supports the union.
- Can't ask about union activity.
- If it ends with "?", don't say it.
- YOU CAN:
 - Accept information that is volunteered.
 - Make statements that might inspire employee to volunteer information.
 - "I can't believe the things the union is promising."





WHY UNION-FREE?

THE SUPERVISOR'S / MANAGER'S PERSPECTIVE(S)

UNIONS INTERFERE WITH SUPERVISORY DUTIES

SUPERVISORS MAY LOSE FLEXIBILITY IN MANAGING EMPLOYEES (SCHEDULING? PEAK TIMES?)

UNIONS DRIVE WEDGES BETWEEN SUPERVISORS AND EMPLOYEES

SUPERVISORS MADE OUT TO BE THE "BAD GUYS"



WHY UNION-FREE?

THE SUPERVISOR'S / MANAGER'S PERSPECTIVE

COMMUNICATIONS CAN BE RESTRICTED (DEALING WITH UNION STEWARDS— NOT DIRECTLY WITH EMPLOYEES)

UNIONS CAN INTERFERE WITH HOW WE DO OUR WORK— CAUSE US TO BE LESS EFFICIENT

COUNTLESS HOURS IN MEETINGS ABOUT UNION-RELATED MATTERS

ADDITIONAL, UNNECESSARY PAPERWORK ON DISCIPLINE



Solicitation & Distribution Rules, Employees

	Solicitation	Distribution
Non-Work Area	Allowed if no one involved is on work time.	Allowed if no one involved is on work time.
Work Area	Allowed if no one involved is on work time.	NEVER ALLOWED!



UNION-FREE : BEST PROACTIVE PRACTICES

BE AWARE OF POSSIBLE “SALTING”

INVEST IN SELECTION

REVIEW THE POSITIVE REASONS FOR YOUR UNION-FREE APPROACH

DON'T HIDE YOUR PREFERRED APPROACH

MAKE GREAT COMMUNICATIONS A PRIORITY

INSURE FAIRENESS IN ALL DEALINGS

FIND WAYS TO INVOLVE AND CHALLENGE YOUR TEAM