



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