

ANSWERS TO EMPLOYEE QUESTIONS ABOUT UNIONS

The following list explores common employee questions about unions.

How do unions work? Explain that the union is a business and is dependent upon its members' dues, initiation fees, and assessments for its existence. To increase its income, the union must increase its membership. Supervisors may indicate that the union's interest in new membership is the real reason they are interested in the employees. Inform the employees that in recent years union membership has been declining as a result of unions' failure to satisfy the needs of their members. Over the past several decades, unions have lost members as the country's workforce has grown. The SEIU backed workers committees and centers, like Fast Food Nation, Stand Up Chicago, and Working Washington, are the union's latest tactic to organize employees. The SEIU has given over \$15 million to these organizations in the last year. For instance, the SEIU is targeting fast food franchises because they are hoping the employees at these companies will increase their membership numbers and give them a return on their \$15 million investment.

Do we need a union here? Describe the company's employee relations philosophy. Point out that the company is pro-employee, not anti-union. Emphasize that the company respects its employees' rights and will honor its employees' choice, but that there are important reasons why a union would not be in the best interests of all concerned.

Are we allowed to pass out union materials on company premises?

Explain to employees they can pass out union materials but not during work time. Employees must be on their own time and not in working areas (as distinguished from the employee locker room or break room). They cannot disturb other employees at work, even though you may be on your own time. This rule must be enforced impartially, not just against union materials.

Can an employee union supporter ask us to sign a union card on company premises?

Yes, but only on your non-working time, and his or her non-work time, and in non-work areas.



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Would it be possible for you to talk to us at our homes like the union representatives are doing?

The National Labor Relations Board has ruled that a company cannot go to employee homes to discuss union issues, even though a union can. Company representatives cannot visit employees at home to discuss whether the company needs a union.

Will the union get us better benefits? Point out all the benefits that the employees now enjoy, such as holidays, paid vacation, sick leave, medical insurance, dental insurance, and other benefits that are not regularly reflected in their paychecks. Be sure, however, to avoid promising future benefits. Also be sure not to withhold information about existing benefits, only to reveal it during the campaign, as part of a campaign strategy.¹ Tell the employee that all benefits are negotiable if the union wins. This means they can be left alone, increased, decreased or eliminated -- it all depends upon the outcome of negotiations.

What about all the promises the union made? Tell employees that during the campaign the NLRB permits the union to make promises, but the company is forbidden from doing the same. The reason for this difference lies in the belief that employees will recognize that the union makes promises solely to promote themselves and cannot make them come true without the employer's cooperation. By contrast, it is generally assumed that the company can deliver on its promises.

Can the union give us job security? Point out that the union cannot provide job security. The only real job security comes from a healthy company.

How would negotiations work? Let the employees know how the negotiation process works. Should the union win an election, all that it gets is the right to bargain. All the company is required to do is to bargain in good faith. The company is not required to concede on any particular issue, and there is no requirement that agreement ever be reached.

¹ *Beverly Enters. v. NLRB*, 139 F.3d 135 (2d Cir. 1998).

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What happens during a strike? Let the employees know that they might be forced to strike if they join a union. If there is a strike, employees can lose wages and benefits. Also, during a strike, employees will generally not be able to receive unemployment insurance benefits (depending on the laws of their state). It is lawful to explain that the company has the right to replace employees out on an economic strike, with strikers being placed on a preferential recall list. However, this must be done with great care. There is a fine line between discussing striker replacement and threatening employees with the loss of their jobs.

Will the union get us better wages? Determine whether compensation is a key issue. If it is, point out that employees are already compensated competitively for similar work in the industry. All wages and working conditions are negotiable; they can be left alone, added to, reduced or eliminated.

How does an NLRB election work: Employees need to know how the election process works. Explain the card-signing process, petitions for elections, the NLRB's role, secret ballots, and the importance of voting. Employers may encourage employees to vote in the election. Consult additional handouts available on the IFA website regarding the NLRB's representation election process.

