

## CELEBRATE LABOR DAY BY STAYING UNION FREE

STEPHEN A. WATRING

DUNLEVEY, MAHAN & FURRY  
110 NORTH MAIN STREET  
SUITE 1000  
DAYTON, OHIO 45402

TELEPHONE: (937) 223-6003  
FACSIMILE: (937) 223-8550  
EMAIL: [saw@dmfdayton.com](mailto:saw@dmfdayton.com)  
WEBSITE: [www.dmfdayton.com](http://www.dmfdayton.com)

There is no better way for your business to celebrate Labor Day than staying union-free! While unionized employees can be good workers, unions often protect mistake-prone workers who are not dedicated to the job. Seniority, not merit, usually rules in a union shop. If unionized, your business may be saddled with incompetent and nonproductive employees, at a cost which precludes you from being competitive. As union shops close and unions lose membership, your business may become a prime target for a union campaign. The best way to avoid unionization is to never give your employees a reason to want a union.

1. **Practice Good Hiring Techniques.** Every union organizational attempt needs at least one employee on the inside to get the ball rolling. Many times this is a newer employee who has no special loyalty to the company and never stays anywhere more than a couple of years. Other times, the employee will be a union plant--called a "salt"--who applied for a job for the sole purpose of organizing your company. While it is illegal to fail to hire someone because of their union affiliation, exercising good hiring practices will screen out applicants that give inaccurate or incomplete information on their application or who have had problems in the past. Require applicants to fully complete the entire application and certify that it is accurate under penalty of discharge. Remember that an incomplete space in an application may be more than an oversight. Union organizational drives sometimes can be tied to a period of "crisis hiring" when the company became lax in applicant screening to fill an urgent need. Following good hiring practices will help avoid problems later.
2. **Follow Good Human Resources Practices.** The harsh reality is that most union drives, and especially successful drives, are brought on by the company exercising poor human resource management. Poor working conditions, poor communications, perceived inconsistent treatment of employees, allowing problems to fester, and displaying an uncaring attitude toward employees all can give employees the idea that they need a union to represent their interest. Most of your employees may have no reason to think about a union if you address employee issues promptly and properly.
3. **Update Your Policies.** Some policies can help your business defend against a union drive. A good policy on solicitation and distribution of literature helps control what union adherent's can say and do in your workplace. Policies on computer usage, outside employment, and photography/recording can be an asset to your business in the event of a union campaign, depending on how the policies are drafted. Some employers choose to be proactive with a union free management policy, supplemented with

\*This information is only intended to provide general guidance for the area outlined. Legal advice should be sought as specific issues arise.

orientation and training to acquaint new hires and existing employees with the company's position on unions. Consider anticipating and diffusing possible union campaign points with grievance or open door policies and good safety policies.

4. **Cultivate Good Supervisors.** An abrasive supervisor can make a union organizer's job easy. Supervisors, should be carefully selected, well trained, and supervised by upper management. Remember that the best employees may be the worst supervisors because they lack the necessary people skills. The front line supervisor is the face of the company to their subordinates.

5. **Be a Good Place to Work.** Strive for a pleasant environment. Remember, doing little things for employees can pay big dividends and keep the union on the outside looking in. Promote a team approach and share credit and success with employees. If employees feel that it is them against you, you are a prime candidate for unionization.

6. **R-E-S-P-E-C-T.** Issues of respect, dignity and fairness often lie at the heart of unionization. Even when addressing performance problems, it is usually best to treat people like you would like to be treated if the roles were reversed.

7. **Don't Let One Problem Employee Infect Your Workplace.** It's true-one bad apple can spoil the whole bunch! A negative employee can either turn other employees against you, or can simply create an unpleasant working environment. Either result can create fertile ground for union efforts. If that employee turns out to be a union adherent, you may be unable to address the problem once the union campaign starts.

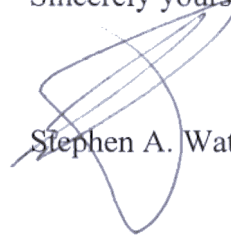
8. **Document Planned Changes.** Under the law, once a union campaign is underway, your business may not be able to make changes that affect employees unless you can show that those changes were already "on the drawing board." A good union representative knows this, and will capitalize on it. If a change is under consideration, or implementation has been delayed, be prepared to prove it. An email from one executive to another about a planned change can be as good as gold.

9. **Watch for Warning Signs.** Be alert for changes in the way employees react to and interact with management. If outspoken employees become quiet, it may be the calm before the storm. Watch for changes in morale, unusual meetings or gatherings of employees, and cool employee reaction to positive developments. Get out of your office, and keep your eyes and ears open. While rumors may be just that, don't discard them too quickly. If employees appear to be equipped with talking points, or if they ambush a supervisor with questions designed to make the company look bad in front of other employees, you have probably missed other warning signs, it may be later than you think! Of course, also watch for less subtle signs like union slogans, insignias and materials in the workplace, and strange cars and people around your business-especially when employees are arriving or leaving.

10. **React Promptly.** Don't just ignore it and hope that it will go away. That is exactly what they are hoping you will do while the union drive builds momentum. Get

**help. Remember the union organizer does this for a living--and if you try to go it alone you will make mistakes. Call the labor law experts at Dunlevey, Mahan & Furry. The Practical Advice Your Business Needs--The Aggressive Lawyer Your Case Demands!**

Sincerely yours,



Stephen A. Waring