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UNLAWFUL SUPERVISOR/MANAGEMENT STATEMENTS

Supervisors must avoid:

- T - Threats:** Do not threaten employees to try to have them refrain from union activities.
- I - Interrogation:** Do not ask questions of employees about their union sentiments or activities.
- P - Promise:** Do not promise employees benefits to have them reject the union.
- S - Surveillance:** Do not spy or maintain surveillance on employees in the exercise of their right to engage in union activities or other activities for mutual aid or protection.

Specifically supervisors and managers must not:

- Do not ask employees or applicants for employment why or if they are for or against a labor union. Generally speaking, if you tell an employee your position on the union and the reasons therefor, the employee will respond by stating his or her view. It is not necessary to ask the employee in order to get a general feeling as to his or her view on the union.
- Do not ask employees whether or not they signed union cards or how they would vote in the election.
- Do not question employees about their union activities, internal union affairs, or union meetings.
- Do not ask employees if they or another employee attended a union meeting.
- Do not engage in surveillance of employees receiving union handbills or attending union meetings. Do not give the impression that employees' union activities are being watched.
- Do not ask employees to spy on each other concerning their union activities. If an employee wishes to report to management about a union meeting, that is lawful, but

management cannot ask for the report. Remember, there is no law against listening, only against asking the wrong questions.

- Do not drive past an area in which you know or believe that a union meeting is being held in order to observe what is going on.
- Do not promise employees any new benefits, wage increases, promotions, improved working conditions or special favors should they oppose the union. If employees ask for such a promise, they should be told that the law does not permit the agency/hospice to make any such promises.
- Do not threaten to close or move the agency/hospice if a union were to win an election. You can explain to employees about the competitive nature of the business, but cannot threaten to go out of business should the union win the election.
- Do not threaten employees with a loss of wages or other benefits should a union win an election. You can point out to employees that should the union win an election there is *no guarantee* that they will continue to receive all the benefits which they presently have, but an employer cannot tell employees that it will take away benefits in retaliation for their support of the union.
- Do not stop employees from passing out union literature in non-working areas such as lunch or break areas of the agency/hospice on non-working time. Also, your agency/hospice may not prohibit employees from talking about the union during non-working time in non-working areas.
- Do not threaten an employee with discharge, demotion or layoff for engaging in union activity.
- Do not change an employee's work assignment because he or she supports the union or has assisted the NLRB in the investigation of charges against the agency/hospice. This does not mean that employees who support the union cannot be disciplined or assigned to new jobs, only that their union activity cannot be the motivation for that action. The issues of disciplining or reassigning union activists is very complex and legal advice should be sought before pursuing that course.
- Do not create or provide financial assistance to an "anti-union" employee or employee committee.
- Do not circulate or encourage employees to circulate a petition against the union. If employees wish to circulate such a petition, they are free to do so, but supervisors and managers should keep at arms length from such activity.
- Do not visit the homes of employees to urge them to oppose the union.

- Do not tell employees that, should a union win an election, the agency/hospice will refuse to recognize or negotiate with the union. An employer can tell employees that during contract negotiations it will take a very hard stance with the union and that negotiations frequently take a long time to conclude, but it should not suggest or imply that employees selection of union representation would be futile.
- Do not tell employees that a strike is inevitable if the union should win an election. Supervisors and managers may point out that no one can predict when or if a strike will occur.
- Do not create an atmosphere of fear among employees with nonfactual stories of job loss or union violence.
- Do not use communications to employees that play upon racial prejudice.
- Do not use threatening or intimidating language calculated to influence an employee in the exercise of his or her right to support the union.
- Do not solicit employees to request return of their authorization cards to the union. However, you may respond to employee questions as to whether they can get their cards back, and advise them, if this is their desire, to contact the person who solicited their signature. You may also tell them that even though they signed an authorization card, they can vote against the union in an election - it is a secret ballot election.