

The Anti-Union Campaign:
Unpacked and Explained



"The union
is a third party."



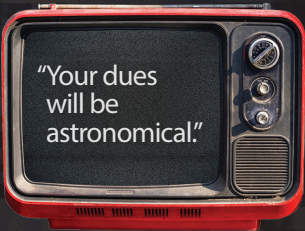
"Your a-card is
a blank check."



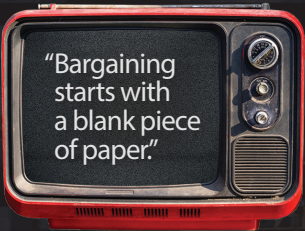
"We will see
your a-card."



"Give us one
more chance."

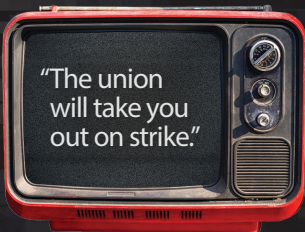


"Your dues
will be
astronomical."



"Bargaining
starts with
a blank piece
of paper."

Coming soon... These are some of
the most popular anti-union talking points.



"The union
will take you
out on strike."



"We will be less
competitive
with a union."



"You will lose
your direct
relationship
with managers."

Nothing But Noise

Now that you and your co-workers have expressed interest in forming a union, it's a pretty safe bet your employer is going to start spending crazy amounts of money on an anti-union campaign. Sadly, the first thing they will probably do is go out and hire an overpriced anti-union law firm that has never met you and knows nothing about you. Despite this, they'll try and convince you it's in your best interest to keep things just the way they are. Then come the lies, misleading statements and smear tactics. Oh yeah... and meetings... lots of meetings! We know this because it's the playbook almost every company resorts to when they see their employees standing together for a better life. **The bottom line is management's anti-union campaign is meant to create a lot of noise and distract you from the real reason you are joining together in a union—there are problems at your worksite that only a union negotiated contract can fix.** In the coming weeks, you can expect management to rehash some of the same old tired topics union busters have been harping on for years. Certainly there are better ways they could spend their time and money. Treating the workers who keep the company profitable with the respect they deserve would be a start. This booklet is designed to prepare you for what is likely to come during your campaign to form a Union. There will be some minor variations, but the method and the message will almost always be the same.



**Don't fall for
their dirty tricks.**

The Tactics

Hire a Union Buster and Train Supervisors: Roughly 75% of companies whose workers look to form a union hire an anti-union consultant or lawyer. These individuals like to work in the shadows. Therefore, one of the first things they do is train supervisors and middle management to be the front-line soldiers in the anti-union campaign. Since they have closer relationships with the workers, they are often seen as more effective messengers of the anti-union propaganda.

Attempt to Cause Confusion Surrounding Authorization Cards:

One of the first things you can expect in an anti-union campaign is for management to try and misrepresent the true nature and purpose of the authorization card (a-card). They will probably refer to the a-card as a “blank check” and liken one to giving away your social security number. These methods are all about creating an atmosphere of fear and paranoia. The a-card’s sole purpose is to show the National Labor Relations Board (NLRB) there is sufficient interest in a union to hold a secret-ballot election. They are NOT membership applications and they are NOT shown to the company. You are NOT joining the union by signing a card. The only ones that see the a-cards are the union and the NLRB. In fact, it is illegal for the company to ask to see them.

Captive Audience Meetings: These are mandatory on-the-clock meetings between managers and workers. Their primary purpose is for the company and their hired professional persuaders to disseminate false or misleading information meant to discredit the union. Often, anti-union workers are planted and encouraged to ask leading questions and sow seeds of doubt.

One-On-One Meetings: During many organizing drives, workers are required to attend isolated or even closed-door meetings with supervisors. This is the union buster's primary method of assessing support for the union. It is also another opportunity to pressure or intimidate union supporters.

Promised or Token Improvements: Your company will likely try and rebuild trust by promising change is coming. They may install suggestion boxes or even remove some of the most notorious supervisors to demonstrate they are serious. They may even make unexpected improvements to your wages or benefits. The problem is without a legally binding union contract, these improvements that are made can be taken back anytime and anywhere. Then it is back to business as usual.

Employee Testimonials & Vote No Committees: Management will pick favorites and make promises in order to secure vocal opposition to a union. They often recruit workers to form a “vote no” committee. That way they can circulate information that appears to be from the workers’ point of view. Just remember—it is the union buster and management who are behind these efforts.

Whisper Campaigns: These are concerted efforts by anti-union managers and workers to spread rumors on the shop floor. Often no one knows where the information comes from ... but it spreads quickly. Their aim is simple—plant seeds of fear among their co-workers.

Information Overload: Expect a barrage of emails, social media posts, letters to the home, leaflets and more. Not only is union buster trying to spread lies and false rumors, they are trying to overwhelm you with so much information that you become tired of hearing from both sides. That’s because human nature is to resort to the status quo when you’ve become worn down.

Prevalence of Anti-Union Tactics in NLRB Elections

TACTIC	PERCENTAGE OF CAMPAIGNS WHERE USED
Captive audience meetings	89%
Supervisor one-on-one meetings	77%
Anti-union leaflets	74%
Anti-union mailers	70%
Interrogate workers about union involvement	64%
Threatening facility closing	57%
Threatening cuts to wages/benefits	47%
Make promises of improvements	46%
Harassment/discipline of union activists	41%
Made positive personnel changes	27%
Unscheduled pay raises	18%

Source: No Holds Barred: The Intensification of Employer Opposition to Organizing; Kate Bronfenbrenner; Economic Policy Institute, May 20, 2009



Your Rights Under the Law:

- Organize a union to negotiate with your employer concerning wages, hours and other terms and conditions of employment
- Form, join or assist a union
- Bargain collectively through representatives of employees' own choosing for a contract with the employer setting wages, benefits, hours, and other working conditions
- Discuss terms and conditions of employment or union organizing with their co-workers or a union
- Take action with one or more co-workers to improve working conditions by, among other means, raising work-related complaints directly with the employer or with a government agency, and seeking help from a union
- Choose not to do any of these activities, including joining or remaining a member of a union.

You can learn more about your rights under the National Labor Relations Act by visiting: www.nlrb.gov/rights-we-protect/rights/employee-rights

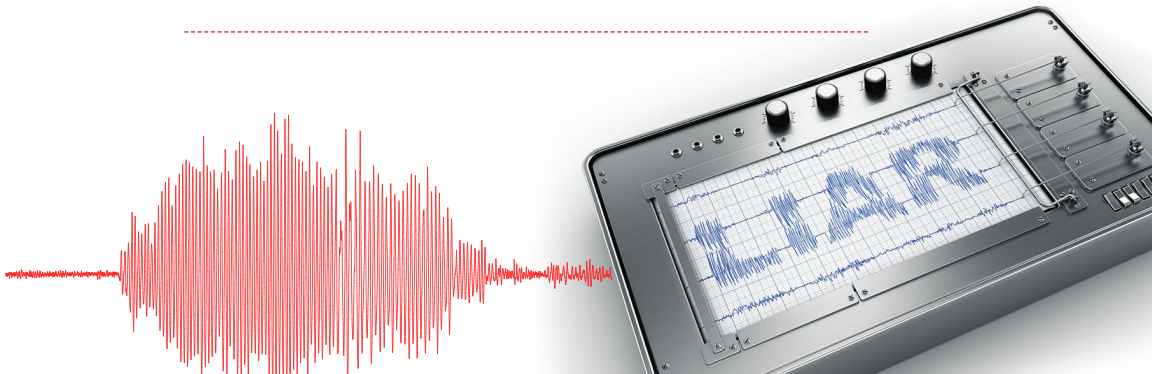


**Even he can see
through these lies.**

The Lies

LIE: The Union is an Outsider. The union buster's primary objective is to paint the union as a third party. They will undoubtedly go out of their way to portray the IAM as a big business with fat cat executives. They will probably show graphs about the loss in union membership that only tell half the story. Then they'll start in on dues, which they will harp on for the entirety of your campaign.

TRUTH: YOU are the union. YOU decide what issues you want to negotiate with your employer. YOU form your negotiating committee. YOU elect your local lodge, district lodge and International leadership. YOU vote on whether to accept or reject your negotiated collective bargaining agreement. The IAM will provide bargaining assistance and a host of other services, but ultimately your union will be as strong as you make it. Oh yeah, we are a 501(c) non-profit organization. Not a for-profit corporation.

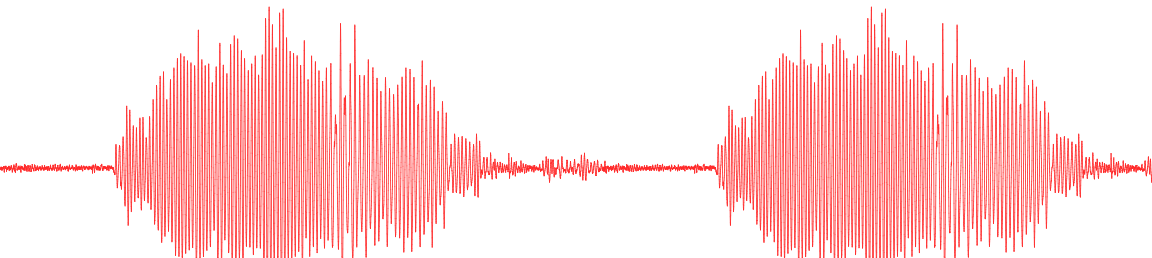


LIE: Your dues are going to be astronomical. They'll claim your monthly dues will be so extreme that you won't be able to pay for basic necessities. They may even make believe they know what your "interests" are and claim you will be sacrificing those to pay union dues.

TRUTH: Your dues will be roughly 2x your hourly rate per month. That amount may change slightly when you, as union members, propose and approve your local lodge bylaws. Per the IAM constitution, no dues will be paid until a contract is ratified by the membership. Dues get used for many important things such as bargaining support, education, donations to community causes, arbitration and legal services. You can't put a price tag on the peace of mind that comes with raises you can rely on.

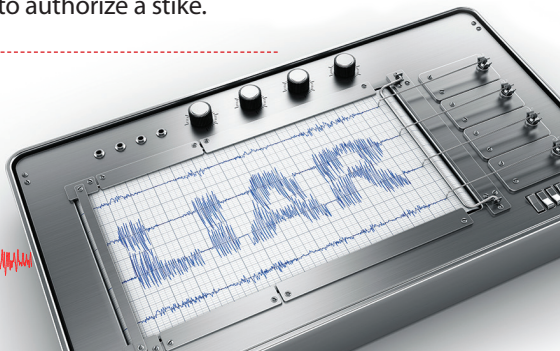
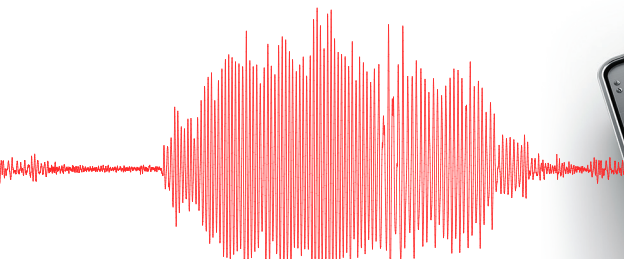
LIE: The IAM will spend all your money on politicians.

TRUTH: Dues money is not given to political candidates. Any money for political candidates has to come from voluntary member donations to the Machinists Non-Partisan Political League.



LIE: The IAM will take you out on strike! This is one of the union buster's favorites. Like most of the anti-union campaign, they are using fear as a means to evoke an emotional response from you. They're hope is fear will outweigh basic logic.

TRUTH: Strikes get a lot of publicity, but the odds you will ever go on strike are slim. Every year, ninety-eight (98) percent of all IAM contracts are negotiated without a strike, through businesslike, professional negotiations with the employer. The IAM Constitution ensures no one in the IAM can order or force a majority of members to strike against their will. Members covered by the contract are notified and given the chance to vote on the proposed agreement and on whether to strike. It takes a simple majority (50%+ 1) of those voting to accept a contract, BUT it takes a two-thirds (66.66) majority to strike. With that said, sometimes union members do vote to strike. It's a source of power and often times it's the best way to protect ourselves against corporate greed. Strikes are not taken lightly, however. That's why it takes two-thirds of the membership at your worksite to vote to authorize a strike.



LIE: Collective Bargaining is a gamble. This is presented as bargaining from zero. Union busters will claim that nothing is guaranteed if you form a union, that your wages, benefits and more could improve, stay the same or get worse. They will most likely instruct you to ask union organizers to make unrealistic promises. They are aiming to create doubt.

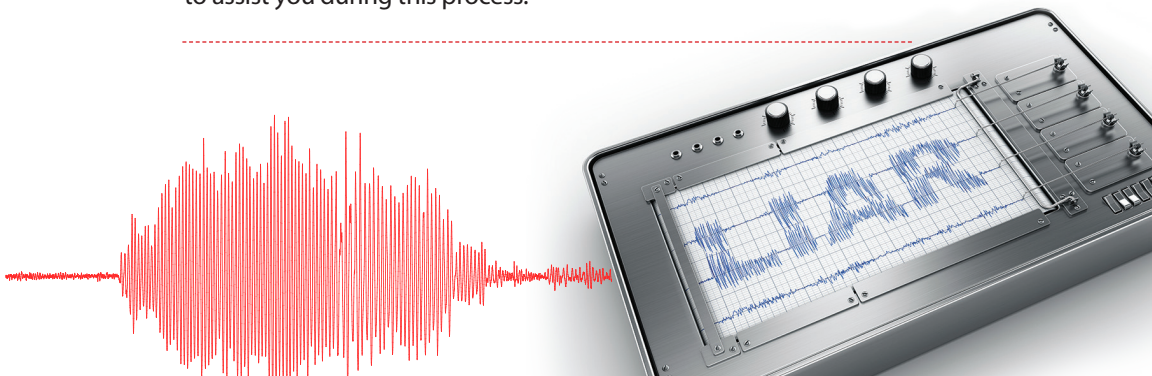
TRUTH: Your employer is required by law to bargain in good faith. That means demonstrating a sincere effort to compromise on proposals put forth by you and your negotiating committee. It would be illegal for them to cut your wages or benefits in retaliation for voting for the union. Therefore, everything stays the same until you vote to approve a contract. And keep in mind—YOU vote on that contract. So, you don't have to vote for anything you don't want. If they really thought you would bargain down your wages and benefits, why would they go to such extreme lengths to oppose the union?

LIE: You will no longer have a direct relationship with management.

TRUTH: This one is so absurd it's comical. Did you ever really, anyway? The reality is being able to sit down and negotiate with your employer will finally start to balance the scales of power in your worksite. That creates a MORE direct relationship with management.

LIE: You're going to lose your job. This will most likely be presented as "we can't afford the union" or "restrictive work rules" won't allow us to compete. Again, by making job security and issue they are trying to create fear.

TRUTH: Your employer can choose to close your facility regardless of whether a union is present. The reality is union members are more satisfied and hence more productive at work. This reduces costly turnover and makes worksites safer. Not to mention—a union contract has mechanisms in place that can improve your job security. These may include provisions that limit the employer's right to subcontract or outsource work. Most importantly, if you fall under a union contract you are no longer an "at-will" employee. As it stands, your employer can fire you, discipline you or change your terms of employment without any justification. With a union contract, you'll have a form of due process the company must follow in order to fire or discipline you. Union representatives will be there to assist you during this process.



The Anti-Union
Consultant's #1 Tool:
FEAR



The Hired Guns

Now that we've talked about what the union buster will do, let's talk about who the union busters are. This could be a law firm that specializes in union avoidance such as Jackson & Lewis or a labor-management "consulting" firm such as the Labor Relations Institute. These lawyers and consultants are paid as much as \$300 an hour for their services. In large or lengthy organizing campaigns, an employer may spend millions (yes, millions!) of dollars. Too often, companies spending these massive amounts of money on anti-union campaigns are the same companies receiving public funds from Federal, State and Local governments. Anti-union consultants are also known to run union avoidance seminars throughout the country in which companies send their managers to learn the latest on union "avoidance."

Law firms or consultant groups to keep an eye out for include:

- Jackson & Lewis
- Labor Relations Institute (LRI)
- The Burke Group
- PTI Labor Research
- Ogletree & Deakins
- Littler Mendleson
- King & Ballow
- Fisher & Phillips
- The Kullman Firm

We suggest googling some of these law firms and taking a look at the labor and employment "services" they provide their clients.

A large, chaotic pile of trash, including crumpled metal, plastic, and debris, dominates the lower two-thirds of the frame. Several black signs with red borders and the words "TOTAL VICTORY!" in yellow and red are stuck into the trash at various angles. The background is a cloudy sky. A white rectangular box with a thin border is positioned in the upper right, containing the text "Seriously... 'Total' trash." in a white, sans-serif font.

Seriously...
"Total" trash.

“Total” Garbage

Your employer will probably resort to cookie cutter handouts seen in just about every anti-union campaign. These materials are designed to seem “credible.” The reality is they’ve come from a 478-page book from LRI that’s designed to provide a “playbook” to keep workers from organizing a union. Lawyers that bust unions for a living carry this book with them from campaign to campaign. Check it out for yourself. It’s called “Total Victory: The complete management guide to a successful NLRB representation election campaign.” On the inside front cover it states, “This program is a modest investment in the time and materials needed to persuade employees.”

Some excerpts from the playbook:

- “Throughout the campaign, it is management’s goal to direct the issues. You must determine, in advance, your campaign strategy and timetable, then focus on those issues that will convince your employees to reject unionization. Most important, you will attempt throughout the campaign to force the union to spend a majority of its time trying to counter management’s arguments and issues, rather than focusing on its own issues.”

- “The job security and strike issue is also highly emotional. Employees who tend to make their voting decisions based on emotions will probably support management if you make an effective presentation.”
-

Marty Jay Levitt is a former union-buster who's guilt eventually got the best of him. He spent his final years speaking about the evils of the anti-union campaign. Here are just a few excerpts from his book, *Confessions of a Union Buster*:

- “Union busting is a field populated by bullies and built on deceit. A campaign against a union is an assault on individuals and a war on the truth. As such, it is a war without honor. The only way to bust a union is to lie, distort, manipulate, threaten, and always, always attack.”
- “When a chief executive hires a labor relations consultant to battle a union, he gives the consultant run of the company and closes his eyes. The consultant, backed by attorneys, installs himself in the corporate offices and goes to work creating a climate of terror that inevitably is blamed on the union.”



"The key to my so-called union-prevention campaigns had always been to paint the labor organization as a greedy outsider and to convince supervisors and foremen that their job depended on its destruction. Meanwhile, I worked to recast upper management with a human face.... so workers would come to believe there was no need for a union."

—Marty Jay Levitt, *Confessions of a Union Buster*



**Stay together
and you will win.**

Be on the lookout for:

It is illegal for management to engage in any of these activities. If you see or hear any of these things, let us know! *organize@iamaw.org*

- Changes at work (new schedules, work rules, assignments)
- Surveillance or recording of union meetings or activity
- Discipline or criticism for wearing the IAM logo
- New restrictions on things you could previously do
- Statement by management about the union
- Promises from management in exchange for opposing the union
- Questions about union activity / union support
- Subcontracting your work
- Statements by management to intimidate or threaten
- Threatening to withhold wages or benefits
- Targeting employees who support the union

You can also contact your local NLRB agent with any questions or if you feel your rights have been violated: *www.nlr.gov/about-nlr/who-we-are/regional-offices*



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Machinists Union

