Union Avoidance

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Why Are We Here?

• Union activity in the region
• To talk about how and why unions get into companies (including hospitals)
• To talk about unions, what you can do, what you can’t do, and what you should do
• To answer your questions about unions
Union Activity in the Region

- Tenet acquired Vanguard Health Systems
- Tenet heavily unionized and has “neutrality agreement” with California Nurses Association (“CNA”) – affiliate of National Nurses United (“NNU”)
- HCA also has neutrality agreement in place
What is a Neutrality Agreement?

• Allows union access to employees

• Restricts what employer can say, do
Union Activity in the Area

Recent union victories in Texas healthcare:

– El Paso
– Corpus Christi
– Brownsville
– McAllen
– Houston

• Who’s next???
Example: Co-Opting Ebola
A lot of times, it’s not about the money

Union-sponsored study shows success rate in elections depends on what #1 issue in campaign is:

<table>
<thead>
<tr>
<th>Win Rate</th>
<th>Issue</th>
</tr>
</thead>
<tbody>
<tr>
<td>69%</td>
<td>Safety and Health</td>
</tr>
<tr>
<td>68%</td>
<td>Problem solving</td>
</tr>
<tr>
<td>32%</td>
<td>Wages and benefits</td>
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</tbody>
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What Can We Do Today?

- Refresher on NLRA
- Understand your role
- Be able to spot activity
- Be able to lawfully respond
The National Labor Relations Act

- Section 7 of the NLRA gives employees right to:
  - Self-organization
  - To form, join, or assist labor organizations
  - To bargain collectively through representatives of their choosing; and
  - To engage in “protected concerted activity”

- However, also gives employees right to oppose unionization.

- Section 8 (c) gives employer limited “right to free speech”
What Is Your Role

- Legally, you are the hospital!
- Most hospitals are committed to using all legal and ethical means to remain non-union
- Even “neutral” hospitals have an obligation to conduct business in legal/ethical manner
What is Your Role (cont’d)

• Your job is to be the “eyes and ears”
• You should feel free to speak out against unions
• You should report any rumors or signs of union activity immediately
Supervisors ≠ Union Support

- How do you feel about unions?
- NLRA’s definition of “employee” does not include a “supervisor”
- Supervisors are not protected by the NLRA
- You are expected to support management
- Union membership and supervisory status are fundamentally incompatible
LAWFUL POSITION FOR EMPLOYER TO HAVE REGARDING UNIONS

• Unions were at one time important, but no longer necessary given all of the employment laws protecting employees.

• [Employer] does not believe that having a union is in the best interest of our associates, customers, or the Company.

• Problems can more readily be resolved through direct, honest and frank discussion.
WHY EMPLOYERS OPPOSE UNIONS

- Destroys sense of team
- Creates “us vs. them” mentality
- Penalizes good workers; rewards marginal workers
- Restricts flexibility
- Additional costs (attorneys, negotiations)
WHY PATIENTS USE ABC HOSPITAL

• Better service
• Lower costs
• Patient focus
• Attention to quality
• Increased flexibility
• Less risk of service disruption
• Greater reliability
ADMINISTRATION’S PERSPECTIVE

• Not beneficial to employee relations
• Adds to operating costs; affects bottom line
• Communications become more difficult
• “Us vs. them” destroys trust
• Interfere with management of workforce
• Routine employment decisions hampered
• Negotiations are time consuming
• Work stoppages have multiple adverse affects
FRONT LINE SUPERVISOR’S PERSPECTIVE

• Interfere with supervisory duties
• Lose managerial flexibility
• Supervisor made out to be the bad guy
• Wedge driver between supervisor and team
• Supervisors become less efficient
• Countless meeting hours regarding union-related matters
• Unnecessary/additional paperwork
EMPLOYEE PERSPECTIVE

- Union costs
- Union rules
- Loss of freedom
- Risk of loss during negotiations
- Lot of security at risk
- Quality representation?
- Strike risk
The Traditional Election Process

- Union gets employees to sign cards.
  - The law says 30%
  - Most unions require 70%
- The election is six weeks after petition is filed.
- Company runs informational campaign.
- On election day, the NLRB conducts a secret ballot election.
Desperate Times Require Desperate Measures (for Unions)

EFCA
Quickie elections
Micro units
Free speech vs. picketing
The Traditional Union Card

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Multi-Signature Cards

We authorize the National Nurse United to represent us in Collective Bargaining.

_________________________________  Date ____________
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Are you always aware of what you sign?
The Company’s Informational Campaign

• During the 6-week period before the election, the company can
  – Educate employees about what unions can and can’t do
  – Provide information about the particular union
    • Dues
    • Strikes
    • Record
  – Answer employee questions

• Employees can then make informed decisions about the union issue
Signs of Union Activity

How would you know if a union were trying to organize your employees?
WHY EMPLOYEES TURN TO UNIONS

- Failure to solve employee problems
- Poor communication (up and down)
- Perceptions of unfair treatment
- Broken promises
- Lack of courtesy, respect, and recognition
- Perception of job insecurity
- Failure to keep pay and benefits competitive
MOST COMMON REASONS

1. Bad treatment by supervisor/manager
2. Lack of respect of employees
3. Blatant favoritism
4. Perceived lack of input regarding decisionmaking
5. Perceived lack of effective outlet for questions/problems
6. Internal pay inequities
ENVIRONMENTAL ISSUES IMPACTING MORALE

- Rapid changes
- Staffing shortages
- Workload/workplace
- Overtime/scheduling
- Multiplicity of projects
- Loss of jobs
What do you do if:

- Union organizer is on company premises passing out union literature?
- Associates are passing out union cards on working time?
- Associates are passing out union cards in non-patient areas?
Lawful Solicitation-Distribution Rule

• Work Time is for Company business
• Breaks, lunch, before and after the shift, are for personal business
• You can’t solicit or distribute when you are supposed to be working
• You can’t disturb some who should be working
• You can never distribute in a work area
• You can never solicit in immediate patient care areas.
The Rule On Bulletin Boards

• Company bulletin boards are for company postings – only
• Employee postings are not allowed
• Beware the informal bulletin boards
Rules We Need To Know

• Four Rules

• One Principle

• Not too tough
The Four Rules: We Cannot

• Threaten
• Interrogate
• Promise
• Spy
THREATS

Examples

➢ Job loss
➢ Denial of a promotion
➢ Plant closings, etc.
EXAMPLES:

- Promotions
- Wage Increases
- Make Health Insurance Cheaper
- Fix Problems
INTERROGATE

EXAMPLES:
– Who was at the union meeting?
– How will you vote?
– What is the union saying?

• You can make statements

• You can listen to voluntary unsolicited comments
SPYING

EXAMPLES:

- Drive by a union meeting to see whose cars are there
- Attend a union meeting
  - Not even if they invite you
- You can go where you normally go and do what you normally do
- Creating the impression of surveillance
AN EMPLOYEE APPROACHES HIS SUPERVISOR

“Boss, I went to a union meeting last night. Let me tell you what they said and what is going on.”

Can you accept this information?
AN EMPLOYEE APPROACHES HIS SUPERVISOR

“Boss, there is another meeting tomorrow night. If you want me to go and get you more information, I will be glad to do it.”

What do you say?
EXAMPLE

Busy Night on Third Shift

• Two Employees are upset.....

• They Refuse to Work Until Issue Is Resolved

WHAT DO YOU DO?
WHAT DO YOU DO?

An employee walks up with a stack of union cards.....

AUTHORIZATION TO UAW

Date ___________ 20 __________

I, ______________________ authorize UAW to represent me in collective bargaining.

ADDRESS NO. STREET CITY ZIP CODE

PHONE CLASS OF WORK HOURLY RATE DEPT. NO. SHIFT

Employed by

COMPANY ADDRESS

YEARS OF SERVICE SIGNATURE OF EMPLOYEE
We know what we can’t do, but what can we do?
Why is A Union A Bad Idea?

- Unions cost money
- Unions can make promises, but can’t give any guarantees
- Nothing goes into a union contract unless the company agrees
- Strikes hurt employees, their families, & companies
AN EMPLOYEE ASKS YOU A QUESTION

“Boss, Joe keeps trying to get me to sign a union card. I’m so tired of him, do I just sign to get him off my back?”

Your response?
AN EMPLOYEE ASKS YOU A QUESTION

“Boss, what do you think about unions? Would we be better off with or without a union?”

Do we want to answer this question?
AN EMPLOYEE ASKS YOU A QUESTION

“Boss, I signed a union card, but I didn’t know what the card was? Do I have to vote for the union now?”

Do we want to answer this question?
AN EMPLOYEE ASKS YOU A QUESTION

“If a union comes in, won’t we get better benefits and more pay?”

Do we want to answer this question?
A SUPERVISOR APPROACHES AN EMPLOYEE

“Bill, why do you want a union? We have it good here at XYZ.”

Can you do this? Is it a good idea?
A SUPERVISOR APPROACHES AN EMPLOYEE

“Bill, if the Union gets in, there will be a strike.”

Can you do this? Is it a good idea?
What Should You Do

• Communicate
• Treat Employees Fairly
• Resolve Issues
• Report Rumors
• Support the Company
What You Should Not Do

- Violate TIPS
- Repeat Rumors in Employees’ Hearing
- Publicly Disagree with Management
- Withhold Needed Information
Your Homework

• Implement and maintain work environment where third party is unnecessary
• Conduct vulnerability assessment program regarding union activity
• Prepare and maintain effective response to union activity
QUESTIONS?
Thanks for your time and interest

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