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Anti-Union material listing what managers should not do, tips and recommendations, 1978

Leonard C. Scott

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Anti-Union material listing what managers should not do, tips and recommendations, 1978

Abstract

Includes attached article by William E. Fulmer, "When Employees Want to Oust their Union". Harvard Business Review. March- April 1978. pp. 164-170.

Though pagination seems incomplete, all
available pages were digitized.

- (3) DO NOT promise an employee anything to get him to come back to work.
- (4) DO NOT threaten an employee in any way trying to get him to come back to work. For example - you can't threaten employees that you'll fire them if they decide to strike.
- B. DO NOT "bad mouth" the union. This can get management into a position of being accused that we are undermining the union (another unfair labor practice). You should always seek and follow the advice of attorney and consultants BEFORE unilaterally acting on your own.
- C. DO NOT poll your employees or take your own strike vote of employees in your department. Asking this is an unfair labor practice. If they volunteer information to you including their intent to strike or not to strike, or volunteer what others are thinking, you can listen and even write it down later - that is not illegal.
- D. YOU CANNOT make private deals with your employees. As long as the union remains the certified bargaining representative the company can only bargain with the union and cannot negotiate directly with employees.
- E. DO NOT get trapped into meeting with striking employees - even if they request it. Its very dangerous because it will look like your going to bargain with them and you have the potential of multiple witnesses who may not tell the truth about what you did or did not say. Refer all such inquiries to 'Jack Smith' at the main office who will decide what to do on advice of counsel.
- F. DO NOT interrogate your employees about anything relating to the union - stick only to on-the-job needs when you must question them.
- G. DO NOT spy or conduct any surveillance activities about union goings on.
- H. DO NOT interfere with strikers or pickets when you come in contact with them. Don't lose your temper if they hassle you - that's what they want to accomplish. They'd like you to overreact so they can nail you with an unfair labor practice charge. Avoid talking to them for the same reason - even if they are your friends because you may be accused of something you did not say. It is permissable to listen to what they say, but always try to have a witness of your own with you so they can't say you said something you did not say.

- I. As a general rule whenever you come into contact with strikers or pickets keep a cool head, appear friendly, listen, but don't make any statements you aren't 100 percent sure are legal. If they ask you questions refer them to the person assigned who has counsel to advise him.

III. SOME THINGS MANAGEMENT CAN NOT DO (FOR YOUR INFORMATION)

- A. Management must reach an impasse in negotiations with the union before it can unilaterally implement its final offer to employees. An impasse is defined as the positions both parties reach in negotiations when they are still apart, but are not willing to make further concessions. Normally a strike is good evidence an impasse has been reached.
- B. Even after a strike starts management must continue to bargain with the union if the union requests. Management cannot condition further bargaining on the strike ending.
- C. Management can not permanently subcontract bargaining unit work out even during a strike without first advising the union and negotiating about the decision. Temporary subcontracting out of bargaining unit work may be legally done during a strike without advising and bargaining with the union about it.
- D. Management can not deny vacation pay to strikers if it is earned and the striker would otherwise be entitled to it. But striking employees don't accumulate vacation credits while on strike.
- E. Management can not deny strikers their accumulation of seniority while on strike until a striking employee is permanently replaced in which case thereafter it can be denied.
- F. Management can not offer superseniority to non-strikers.
- G. Management can hire strike replacements from California, but cannot hire strike replacements from other states. The latter would be a violation of the Byrnes Act.

IV. SOME THINGS MANAGEMENT CAN DO DURING A STRIKE (FOR YOUR INFORMATION)

- A. Management can permanently replace strikers with new hires if it does not commit unfair labor practices. Strikers who are permanently replaced can not displace strike replacements under those conditions. Strikers have a right to get their jobs back, even if replaced, if:
 - (1) They unconditionally offer to return to work before or after the strike is over AND

- (2) There are available openings - they have the qualifications to satisfactorily perform AND
- (3) As amongst others - with qualifications who unconditionally offer to return their seniority entitles them to be put to work.

- B. Management can permanently replace non-bargaining unit employees who may choose to honor the picket line. Management may discipline and even discharge supervisors who may choose to honor the picket line.
- C. Management has a right to continue to operate its business during a strike. The law protects entrance and egress from the plant without interference by the union. Employees, customers and suppliers also have this right. Union interference is illegal and arrests can be made of violators. Unlawful picketing can be enjoined.
- D. Management can pay employees who choose not to strike and new hires the amount it offered the union before the strike began. Management, however, cannot reduce benefits unless and until impasse was officially reached.
- E. Management has a right to and will get police protection to guarantee its rights.
- F. Management has a right to stop paying for wages and benefits at any time after a strike starts to employees who choose to participate in a strike.
- G. If a contract contained a union shop and checkoff clause management could unilaterally stop honoring it the day the contract expired.
- H. Management can hire employees in anticipation of a strike provided they don't flaunt it to bargaining unit employees.

V. ILLEGAL UNION/STRIKER CONDUCT

- A. Preventing non-striking employees, customers or suppliers from entering or leaving a struck plant.
- B. Interfering with any of the above while driving to or leaving work to and from their homes.
- C. Bumping, jostling or hitting a non-striker going through a picket line.
- D. Causing damage to a vehicle or property going through a picket line.

- E. Blocking access to the plant with automobiles, railroad ties, glass, tacks etc. or by forming a human chair across entrance ways.
- F. Carry sticks, clubs, chains, guns or piling bricks near the picket line for the use of pickets.
- G. Threatening bodily harm to a non-striking employee at work, crossing the picket line, at home or anywhere.
- H. Carrying out threats or assaults and batteries against non-striking employees, customers or suppliers.
- I. Attacking plant property or a non-striker's real or personal property. Further the right to strike does not include the right to trespass on the employer's property and violators may be arrested.
- J. Threatening a non-striker with the loss of his job if the union wins the strike.
- K. Threatening or insisting that a non-striker's seniority be cancelled.
- L. Picketing a supplier or customer for continuing to do business with the struck plant or threats of same or other threats. (Illegal secondary boycott)
- M. Strikers who are guilty of "A" through "L" above and related violence, threats and coercion can be fired for picket line misconduct. They can also be criminally prosecuted when they violate any criminal code. The union can be sued for illegal secondary boycott activity. Unfair practice charges can be filed and sustained for any of these illegalities. An injunction can be gotten to stop a continuation of these acts.
- N. However, (AND THIS IS IMPORTANT), we must have evidence that is reliable (personally observing the Act, affidavits from persons affected, photographs and the like) to sustain them.

If we fire someone in good faith, but don't have the evidence, mistakes don't count and we'd lose and more than likely have to pay out back pay. So when you observe an illegal act, or one you believe is illegal, write down the time, date, place and what you observed and note who else may have seen it. Otherwise you can forget the details and blow your case.

VI. SOME ADDITIONAL TIPS

- A. If a striker wants to quit, get his resignation in writing before you pay him off.
- B. Make notes of anything you hear about a striker taking substantially equivalent employment at another company and write down the name of that company.
- C. Interstate carriers who pick up and deliver goods MUST have their supervisors pick up and deliver goods to a struck plant if their employee drivers won't because of ICC Regulations and Requirements.
- D. Floodlight main entrances to plant during non-daylight hours.
- E. Ninety-nine percent plus of all threats are bluffs. If you get hassled get an unlisted telephone number.
- F. Let all non-bargaining unit people know what's going on and who is responsible for what.
- G. Talk to the press and media and present the company's side of the strike - but stick with facts - and try to have press releases in writing so you won't be misquoted. It's a good idea to run through counsel first so you don't unintentionally violate the law by saying something dumb.
- H. Develop a strike plan and put one person in charge (and let everyone know who that person responsible is) for the following areas:
 - 1. Plant and employee security, security guards, strike log and police coordination.
 - 2. Communications with media.
 - 3. Production and re-training.
 - 4. Hiring strike replacements.
 - 5. Supplier and customer liaison.
 - 6. Transportation liaison - getting goods and services in and out with police coordination if required.
 - 7. Overall strike coordinator is the focal point for all committees and all liaison with supervision, management and counsel. Sometimes also is responsible for communications with media.

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When employees want to oust their union

Both managers and union leaders may take the offensive in a decertification election, but both need to consider whether winning is worth it

William E. Fulmer

One thing that a seasoned manager might not know anything about is what he or she can do, legally, when faced with a decertification campaign on the part of the company's employees. In a survey of managers who had been faced with at least one decertification effort, the author of this article discovered that many managers assume that there is nothing they can do, and most do not take an active part in decertification elections. There are things managers can do, however, among the most successful being holding meetings with employees and using legal assistance. The author discusses tactics that unions use as well and ends his article on a cautionary note. Rather than encouraging managers to embark on the campaign trail, he warns them that the cost of eliminating the union may be greater than anticipated at the outset and should be carefully analyzed before starting a campaign.

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To many managers, unions are large, monolithic, powerful organizations that are best left alone. If a company does not have a union, these executives assume, it should avoid one at all costs, if it is so unlucky as to have a union, management should ignore it and hope for the best. The last thing a manager with a union should do, they say, is try to oust it.

A quick examination of recent statistics emanating from the National Labor Relations Board (NLRB), however, could lead one to believe that managers are becoming less fearful of taking on unions as more and more attempts are made to oust, or decertify, incumbent unions and a growing number succeed.

In spite of the increasing frequency with which decertification petitions are filed and elections held, many managers are nonetheless uninformed about the subject of decertification and frequently erroneously assume that there is nothing within the law that they can do once faced with such a situation. By describing some of the common reactions of both unions and management and thereby placing the phenomenon in perspective, I hope to shed some light in this article on what happens in a decertification campaign.

Before examining a decertification campaign, let's look briefly at a few facts about unions and decertification efforts. Unions represent only one-fourth of all the nonagricultural employees in the United States, and only three national unions—Teamsters, Steelworkers, and Automobile Workers—report membership of over 1,000,000. In fact, in 1976, of the approximately 177 national labor unions, ap-

proximately three-fourths had memberships of less than 100,000. Even the AFL-CIO reported only 14,200,000 members as of January 1976. I do not mean to suggest, however, that all or even most unions are relatively small and therefore weak, or that the labor movement is insignificant in the United States. Rather I wish to say that unions are not as monolithic and overwhelming as some people might think.

From the early 1960s until 1974, the number of workers joining labor unions continued to increase, but the number of people joining unions did not increase as a percentage of the labor force. Between 1974 and 1976, however, even the total number of union members declined slightly. Much of the recent union growth is among white collar and public sector employees, not the traditional areas of union membership. Yet the number of petitions filed by employees asking for representation elections continues to exceed 11,000 each year.

Not only have unions won only one half of recent organizing elections, but also they are facing more decertification efforts than ever before. As the Exhibit shows, in 1977 employees at approximately 1,794 work places formally attempted to oust their union representatives—a 188% increase in ten years. Of the 1,794 petitions, approximately 800 resulted in elections—a 242% increase in ten years. Not only are more petitions being filed each year, but fewer petitions are being withdrawn by employees and dismissed by the NLRB. For example, in 1976 only 36.8% were withdrawn and 16.5% dismissed. Of the petitions resulting in elections, unions tend to win slightly less than one-third.

In recent years, the companies and firms experiencing decertification efforts have varied so much in size and function as to include such diverse organizations as a West Coast dentist with seven dental assistants, Holiday Inns, Goodyear, Dow Chemical, Sears, American Airlines, and The Washington Post. On April 6, 1977, even the Wall Street district was affected when employees of the American Stock Exchange held a decertification election.

Although decertification elections are common among large companies, the size of the individual bargaining unit that is usually involved is quite small. In fact, in recent years approximately 90% of all elections involved bargaining units of less than 100 employees, 75% were in units of less than 50 people, and 25% were in units of under 10 employees.

In many of the cases I have explored (see the ruled insert on page 168), it was impossible to tell whether the union or management was primarily responsible for the decertification effort. Nevertheless, based on the responses of the managers and the voting results in decertification elections, the perception of many managers and employees is that neither the union nor the collective bargaining process has lived up to employee expectations. In light of the small size of most of the decertified units, I would not be surprised if many of the unions had, in fact, found the units too costly to service as the members thought they should be supported.

The managers' problem

When confronted with rumblings of discontent in the work force, either in support of or opposition to a union, many managers frequently seem uncertain about what to do and what to expect. The actions of management in a large U.S. petroleum company illustrate the problem confronting managers facing decertification elections.

In the mid-1950s, some of the technicians and office workers at a major laboratory in the corporation organized an independent association. When they later asked management to recognize them as the bargaining agent for all technicians and office workers at the lab, management refused. When the NLRB held a certification election at the laboratory, management, believing a majority of employees would vote against the association, chose to take a neutral position. To management's surprise, 52% of the participating employees voted for union representation.

During the next decade, management and the association maintained an amicable relationship. In the early 1960s, when a group of employees that continued to oppose the association was able to hold a decertification election, the company again decided to play a neutral role. Explaining its decision, top management issued the following statement to supervisory employees:

"The company believes that its best position in this decertification case will be to remain strictly neutral, to let the employees decide the issue for themselves, in order to avoid any charges of 'maneuvering' by management."

This time, of those participating in the decertification election, 93% voted for the association. Although the association publicly thanked the company for allowing the employees "complete freedom in exercising this individual determination," the relationship did not remain cordial.

The leadership of the association became convinced that part of its problem resulted from the employees' view that it was a "company union" with little power to deliver for its members. To help remedy the situation, the association affiliated with a national union, and over the years the members became increasingly militant.

In the early 1970s, when contract negotiations appeared to be getting nowhere, dissatisfied employees circulated a new decertification petition. Again management debated whether to become involved, but this time its decision was affirmative. In a statement to all managers, top management explained its decision:

"With an attitude of aloofness, an unwillingness by management to participate in the infighting, management is the great loser. This fatal, fatuous posture is promoted by the NLRB, and it is often adopted by the employer who dreads the legal entanglements that mistakes in a campaign can cause.

"Aloofness may also be practiced in the belief that the men will respect the management the more, and therefore vote down the union. A more likely result is that this attitude will be read by the men as disinterest, leaving them free to maintain their allegiance to the company and vote on the basis of a coexisting allegiance to the union. A worker may thus be led to recognize no conflict in holding both a loyalty to the company and a loyalty to the union. Management, by making its wishes forcefully known, will bring a clear-cut test of allegiance rather than a loss by default.

"Finally, management aloofness may result from a belief that neutrality during an election will bring friendlier relations with a union if that union wins the election. Aside from the defeatist nature of this view, there is no indication that a union would believe other than that the employer is an easy touch, and hike its contract demands accordingly when bargaining begins. Unions (and employees) respect a hard-nosed, forthright, and honest management, and there is usually a basic dishonesty in a management pose that implies it really does not care one way or the other about unions."

After a campaign during which top management held meetings with employees and all levels of management, issued fact sheets for supervisors and bulletins for employees comparing company policy with the association contract, and taped telephone messages and letters and talks from the president, "no union" received 74% of the votes cast. Following the vote, the president called a top management meeting to develop a plan of action that would "maintain the nonunion status of formerly represented employees."

The petroleum company management campaign had many features in common with other active management campaigns leading to decertification. One of the major factors contributing to the reluctance of some managers to take a position in a certification or decertification effort, however, is their uncertainty about what those common features are and what they may entail.

The campaign itself

Decertification campaigns do not differ substantially from certification efforts. Perhaps the most significant difference is that many managers seem to be more reluctant to take an active role in a decertification than in a certification election. In fact, 40% of the managers surveyed indicated that they were not active at all in the campaign, and another 40% described themselves as being only "moderately" or "somewhat" active. Conversely, management described only 12% of the unions involved as not active at all, and 33% as only moderately or somewhat active.

Managers seem to be inactive mainly because they assume it is illegal to be involved. A few unions are inactive because defeat is inevitable or because the leaders feel the benefits of winning a campaign do not outweigh the costs of waging it. According to one manager, "My company being so small, the union didn't give the employees any consideration." Another reported, "The union didn't even know the campaign was going on, as far as I know."

Usually, however, the unions do get involved, and their campaigns employ some common tactics to persuade employees of the benefits the union provides them.

Union tactics

When asked what they considered the union's most effective tactic during the campaign, managers repeatedly mentioned (in order of the frequency of use) membership meetings, house-to-house visits, and the mailing of literature into the homes. On occasion, the union leadership used membership meetings to expose the rank and file to an international union official who had come to town to show his interest in the unit.

Other tactics that managers occasionally mentioned were informational picketing, telephone calls, telephone hotlines, pressure on the company or the initiator of the petition, parties, NLRB appeals, and concentrated attention on one significant faction within the work force. There seemed, however, to be no discernible correlation between the tactics the unions chose and the outcomes of the elections. Managers' comments made it possible to identify four major themes that unions seemed to stress during the decertification campaigns:

1

"I've got an offer you can't refuse"—The most common theme that managers described was intimidation. In some cases, employers, employees, and even customers were reportedly threatened, harassed, or sabotaged by union representatives. According to one manager, who reported being pressured to tell the employees to call off the decertification effort, "The union leaders said they would turn me over to the Health and Welfare Board for not paying health and welfare payments on all employees. They did, and I face the possibility of paying a fine of up to \$30 million because of it." When unions did use intimidation, however, in most cases the employees ultimately voted to decertify the union.

2

"I can get it for you wholesale"—Almost as common, and seemingly much more effective for unions than intimidation, were the unions' specific promises about what they would or could deliver to the members. According to several managers, when union leaders promised new benefits for specific groups of employees, they were particularly effective in winning employees' support. This theme seems to indicate to the members that the union is indeed aware of their particular needs.

3

"Whom do you trust?"—Another common message seemed to be that employees could possibly experience a loss of benefits once the union was not around to protect them. Managers frequently men-

tioned the stress that union representatives placed on job security issues such as seniority and layoffs. The implication was that without the union, such important matters would be completely in the hands of management.

4

"Count your many blessings"—An apparently very ineffective but common union message was the general benefits of union membership. In every case in which managers reported that the union employed this theme, the union lost the election. One can infer that the rank and file are much more interested in specifics, particularly after they have been represented for some time by a union and have become disillusioned with its performance.

It should be noted that few managers reported being the object of a strong antimanagement campaign. As indicated previously, union representatives frequently raised questions in the minds of employees about the actions managers might take if there were no union around, but rarely did they make the campaign theme one of direct and open attack.

Management tactics

Although many managers chose not to become involved in their employees' decertification campaigns, those who did generally relied on four major tactics: meetings, legal or expert assistance, letters, and improved working conditions.

The meetings, which managers cited frequently as the most effective campaign tactic, included one-on-one meetings, small group meetings, and meetings with entire units. Although the sample of employers using meetings was too small to allow for generalization, there does seem to be a tendency for the large "captive audience" meetings to precede union defeats more than other forms of meetings. One manager described his question-and-answer meeting, which included brief speeches by foremen, the plant manager, the director of corporate labor relations, a corporate vice president, and the company president, as occurring at the "25th hour." The smaller meetings seemed to result in relatively the same proportion of wins and losses. Under recently proposed legislation, managers using captive audience meetings may be required to give unions equal access to employees.

The second tactic managers said they often used is legal or expert assistance. Although some managers

Research methodology

The data on which this article is based were derived from a survey I conducted in 1976. It concerned managers in companies that had been named in a decertification petition filed with the National Labor Relations Board in fiscal year 1975. The names of the companies and firms were obtained from the National Labor Relations Board regional office. From the 1,146 names and addresses, I selected randomly a stratified sample and mailed a questionnaire to 571, or approximately one-half.

The questionnaire itself was based on previous interviews with managers, union officials, and NLRB officials. A total of 181 companies and firms, or 31.7%, responded. Of the 181 respondents, 107 had experienced decertification elections, of which 77 resulted in complete union ouster and 30 in retention of the union. The questionnaires were sent to managers and not to union people.

reported that they used experts to advise them in the campaigns, they more frequently used them, according to one manager, to make "sure that the proper way to have a decertification election was known to the employees involved." Other managers reported using an attorney both to help the employees file the necessary papers with the NLRB and to offer legal assistance to employees as a way of "preventing union intimidation." Legal or expert assistance was often used when a union was decertified but almost never when union representation was retained.

When facing a decertification election, managers, like union representatives, frequently resorted to letter campaigns. On the whole, however, a letter campaign did not seem to be a particularly effective technique. In fact, employers whose employees voted to retain union representation were the ones most likely to mention using letter campaigns. Certainly, if the letter-writing campaigns were not part of a continuing effort by management to communicate with employees but were simply a crisis exercise, the employees probably treated the letters as they would most junk mail coming into the home. In the words of one manager:

"Decertification cannot be accomplished just at election time. You must earn the confidence of employees over at least a year's period of time, through effective performance evaluation programs, personnel development programs, and overall good open communication between employees and management during the contract. Also, through example at other nonunion operations within our company, employees realized they would be better off without a union."

A few managers reported that they considered their most effective tactic to be the improvement they made in working conditions before the election. Although these managers usually reported that their employees ultimately voted to decertify their union, it should be noted that improving work conditions before an election can frequently be grounds for an unfair labor practice charge. Such a tactic poses a serious dilemma for union leaders. On the one hand, they know such action could be illegal; on the other, they do not want to be seen as trying to stop any working condition change that benefits their members.

The union representatives' best response in such a situation may be to try to claim credit for the change and to convince the members that without the union around management might never have made such improvements.

Although a few managers reported using such tactics as employee surveys, campaign posters, and telephone calls to employees, as well as both encouraging supervisors to answer questions and concentrating attention on a few key union members, many managers chose to stay out of the campaigns. Some did so because the existence of a union made no difference to them. In fact, one manager whose employees voted to return to a nonunion status reported that since "a number of our customers are union shops and it makes a better impression if some of our units are organized, management would have had no objection to a continuing union arrangement. In short, it was good for business."

Many managers, however, seemed to agree with one manager who reported, "No management action was taken during the decertification period. This action would be illegal and cause for an unfair labor practice to be filed against the company."

Although a few managers admitted to using such emotional tactics as stressing the dishonesty of the union by saying that the union was only interested in employees' money, or by claiming that the precarious economic position of the company was brought on in part by the union, most reported using some variation of three basic themes:

1

"*Nonunion is better*"—The most common theme used implied how much better off the employees would be without a union. In such campaigns, management made frequent mention of how well the company's nonunion employees were treated and

how costly union dues were for the members. One manager in a campaign message referred to a "past record of overscale pay and benefits—above the union agreement" and said as well that "without the union, you have no dues payments and no loss of benefits." Another manager reported stressing the benefits of "careers without two bosses."

In spite of the frequency with which managers stressed this theme, the results of using it were mixed. It seemed to work in some cases, but almost as frequently it was associated with recertification of the union.

2

"Don't let them push you around"—The employer who wanted to signal his views to the employees but did not want to run the risk of alienating the union too much commonly chose the "don't let them push you around" or "you have rights" campaign. Frequently preceding a vote to decertify the union, this tactic did not tell the employees how bad unions were or how good management was but stressed the fact that the NLRB gives employees the right to decertify their union if they want to do so. Managers frequently accompanied this message with admonitions to employees to exercise their rights by voting as well as with instructions on how to decertify—"if you choose to do so."

3

"You're in good hands"—This theme stresses the employees' importance to management, the fairness with which employees will always be treated, and the management's desire to "work together" with its employees. According to one manager, "We had to let the employees know we would not let them down." Another said, "Management assured them that their status as employees would not be affected by the outcome of the election. We made the point that they are our employees first, union members second." The manager who recommended the "25th hour" meeting between employees and all levels of management reported:

"The basic theme of these talks was that this group of employees did not need to have union representation to be treated fairly by this company; that there would be no retaliation, regardless of the outcome of the election; that we could solve our problems without outside third party representation; and that the company would always pay the best wages and have the best benefits it could afford to pay and would make every effort to keep these as good as the average of the better companies in the area. In

view of this policy, third party representation, as demonstrated in previous negotiations, was not likely to produce anything better."

Although this message was not as common as others, it seems to have been communicated often when employees ultimately voted for decertification.

Is winning worth it?

Before deciding to campaign actively for union decertification, managers should realistically assess a broader question—what are the advantages and disadvantages of the current union-management relationship? Rather than reacting emotionally to a decertification possibility, managers would be wise to approach it as rationally as they would any other business decision. They should ask themselves what is gained and what is lost by actively campaigning for decertification.

A "typical" campaign may require the time and effort of legal experts as well as those of the personnel staff and top management. The conduct of a campaign can also be a disruptive influence on worker productivity. Although these costs are hard to quantify, they are real. By the same token, management may be confronted with a union-management relationship that is so bad that any chance for escape may be worth taking. Whatever the situation, managers need to undertake an analysis of the costs and benefits.

Managers should consider not only the economic costs of a campaign but also the implications of both possible election outcomes. If management campaigns vigorously, but the union wins, what is the labor-management relationship likely to be then? Will union leaders have to make major promises to the work force to win its support, and, if so, will they try to collect during the next round of negotiations? What will be the personal relationship between management and labor representatives after an unsuccessful management campaign? What will be the relationship between first-line supervisors and bargaining unit employees?

Alternatively, what are the implications of a union defeat? If the election is close, will work force fac-

tions create an unstable labor situation? Will a more militant union seek representation after one year? What new responsibilities will management have to assume when there is no union? Some managers who campaign to decertify unions after having dealt with them for many years find that the union has played a useful role as a communications link with the work force. With the union gone, management will have to establish its own link or run the risk of letting its relationship with its employees deteriorate.

Perhaps the most important point for both management and union officials to consider before deciding how to respond to an employee petition for decertification is what is in the best interest of the employees. It is very easy for both parties to let personal and organizational preferences blind them to the fact that the decision to certify or decertify a union is ultimately a decision that employees must make for themselves.

One factor that both unions and managements should look at seriously before deciding to invest in a strong campaign is the percentage of the unit employees who sign the decertification petition. Although the NLRB will conduct an election in which as few as 30% of the employees sign the decertification petition, 30% will rarely signal a successful decertification vote. My data indicate that, in those elections in which unions were decertified, an average of 74.7% of the employees in the bargaining unit had signed the petition.

In those elections in which employees recertified union representation, the petition was signed on the average by only 47.5% of the employees.

It is my opinion that the upward trend in the number of decertification petitions filed each year with the NLRB is likely to continue for the foreseeable future but to have no dramatic increases over the next few years. In other words, the trend of the last decade seems likely to continue, with increases averaging around 10% (from a range of occasional slight declines to annual increases going from 20% to 25%).

Several factors lead me to this projection. First, since many of the employees filing decertification petitions are in small units and the servicing costs of a small unit are likely to be greater on a per member basis than those of larger units, unions may find it increasingly difficult to provide the kind of support that members in these small locals expect.

Second, because lately union certification efforts have risen slightly, particularly in nonmanufacturing industries, and because in the past the majority of decertification petitions have been filed within six years of the formation of the union-management relationship, it would follow that there would be a commensurate increase in decertification petitions in these industries, which has been the case.

Another contribution to the relative increase in decertification petitions among nonmanufacturing units may be the failure of some unions to adjust to the various needs and interests of newly organized employees. This case seems quite likely given the relatively heavy concentration of decertification petitions among a few large multi-industry, growth-oriented unions.

A third factor that is likely to encourage an increasing number of decertification petitions is the tendency for more and more managers to develop various employee programs which they promote, either explicitly or implicitly, as "alternatives" to union representation.

In spite of the increasing number of employee efforts to oust unions, managers should be careful not to interpret the numbers as signaling a widespread rejection of the collective bargaining process, since in recent years the ratio of representation petitions to decertification petitions has continued to exceed 10 to 1. Even if the numbers did signal a widespread rejection of collective bargaining, responsible managers should not only ask themselves if that is in the best interest of their companies, including their employees, but also if it is in the best interest of the U.S. economic system.

In this article, it has not been my object to suggest strategies or tactics to use during a decertification campaign or even that managers should get involved in decertification efforts, but merely that managers do have options, that they are not as restricted as they might think. I hope readers will feel the same as a manager who recently experienced his first decertification campaign. When asked if he would do anything different next time, the manager replied, "I won't worry so much."