

Tompkins County Workers' Center and Workers United Principles for Employer Non-interference in Union Elections

**In support of the right of Service Workers
to organize across the county**

Introduction

The Tompkins County Workers' Center (TCWC) and Workers United (WU) 12 Principles on the Right To Organize Labor Unions are based upon two premises: (1) the right to organize a union is a fundamental civil right essential to a democratic society; (2) no responsible employer should exploit weaknesses in the law to undermine worker interest in a union.

Unions are needed now more than ever in the service sector

With the decline in unionization across this country the wages, benefits and working conditions of American workers have declined. Many of these jobs are in the service sector, and are held by immigrants, women and people of color. Millennials are negatively impacted as they are the inheritors of this unjust economy.

Previous generations of working people organized unions to improve their pay and working conditions. The industrial sector, where most low-paid jobs once were situated, became the site of organizing drives in the early 20th century. These industrial workers became the backbone of the middle class.

Many people overlook the fact that low paid service sector workers could emulate the path to economic self help taken by their industrial predecessors. Unionization is the ultimate anti-poverty program. There is nothing inherent in service sector jobs that requires that they be low wage jobs with no rights on the job.

There is a war going on in this country attacking the right of workers to organize a union.

In most cases, American workers who try to organize unions are bombarded by intense anti-union messages from management that are intended to create a climate of fear. Employer anti-union opposition takes the form of explicit and implicit threats of loss of jobs and benefits if employees vote for a union. Tactics include psychological screening of employees to weed out potential union supporters; mandatory anti-union meetings; one-on-one meetings and pressure from supervisors; legal strategies of delay, retaliation against and firing of union leaders; and promises of benefits for opposing the union.

The employer has an overwhelming advantage in access to the employees. Unlike a legitimate election in a democracy, there is no equal access, no equal time, and no equal right to communicate for the union.

By running anti-union campaigns of intimidation and fear, employers seek to make a vote about whether employees want a voice on the job into a vote about whether employees will be able to keep their jobs. Threats of closing the business, retaliating against worker leaders of the union and threats to reduce benefits if workers vote for a union have become commonplace. This is unhealthy for and unworthy of Tompkins County. We will not tolerate that this type of union busting which is a virtual epidemic in this nation become the norm in Tompkins County.

Cornell Professor Kate Bronfenbrenner has written:

The overwhelming majority of U.S. employers are willing to use a broad arsenal of legal and illegal tactics to interfere with the rights of workers to organize unions including:

- *57% of employers threaten to shut down all or part of their facilities.*
- *One-third of employers fire workers for union activity during NLRB certification campaigns.*
- *47% threaten to cut wages or benefits.*
- *28% attempt to infiltrate the organizing committee.*
- *14% use surveillance.*
- *22% offer bribes and special favors.*
- *89% of employers require their workers to attend captive-audience meetings during work hours.*
- *77% have supervisors regularly talk to workers one-on-one about the union campaign, with a focus on threats of plant closings, wage and benefit cuts, and job loss.*
- *More than 60% use one-on-one meetings to interrogate and harass workers about their support for the union.*

Bronfenbrenner concludes: It is combination of threats, interrogation, surveillance, and harassment has ensured that there is no such thing as a democratic "secret ballot" in the NLRB certification election process.

The TCWC and WU intend to establish the principles of non-interference across this County

Some enlightened employers choose not to interfere with their employee's right to decide. They may not want a union, but they respect their employees' right to have one. They don't run anti-union meetings. They don't make threats. They don't hire union-busting consultants. They show respect for this fundamental human and civil right. The TCWC and WU hold these employers in highest esteem and such conduct must become the norm in this County and in this country.

Union organizing campaigns run without employer interference may conclude with either a secret ballot election (NLRB or community election) or voluntary recognition based on a majority of workers signing cards in support of a union.

The goal of the TCWC/WU Fair Union Election Campaign Principles is to enable workers to choose whether or not to unionize without fear of reprisal and to provide a level playing field. Current labor laws do not adequately protect worker's rights and in many instances allow the employer to dominate the process. It is hope that these principles of non-interference with an employee's civil rights will provide a more ethical framework for workers to make a decision about unionization.

Principles for Employer Non-interference in Union Elections

1. The right to organize a union is a fundamental civil right essential to democracy.
2. If workers do choose to unionize, there will be no negative repercussions from management. If the employer adheres to these fair campaign principles then the union and the Workers' Center will not wage a negative campaign of any kind against the company.
3. The employer agrees not to make any implicit threats (lawful but unethical) or explicit threats (unlawful.) An example of an explicit threats is: "If you form a union this company will go out of business." An example of an implicit threat is: "Here is a list of 10 companies that had unions and they went out of business."
4. If the employer holds a meeting with workers on company time to discuss unionization, then the union may hold a meeting on company time of equal length. This holds true for one-on-one meetings or discussions that the employer chooses to hold with workers about the union. In addition, if the employer posts any anti-union material on its premises it will provide the union with equal space.
5. Management will not promise increases in pay or benefits if workers choose not to unionize. The union will not promise increases in pay or benefits if workers choose to unionize.
6. Management will disavow messages from any third party that imply that choosing a union will jeopardize jobs. Likewise, the union will explicitly disavow and reject any message that the company is not operating in a socially responsible way.
7. Principled disagreements are part of the campaign process but disparaging remarks about the union or the company are not appropriate and not conducive to a spirit of mutual respect and harmony, and should not be made by either party. Ad hominem attacks against individuals are unacceptable.
8. If any worker feels they have been discriminated against or terminated for union activity, the employer should agree to resolve this immediately by a mutually agreed upon arbitrator instead of months and possibly years of costly litigation through the NLRB. The arbitrator would rule on this issue within 2 days of holding a hearing to take statements from the employer and the workers.
9. A secret ballot election will be conducted by the NLRB or, if both parties prefer, by an arbitrator or a neutral community organization.
10. These are voluntary principles of conduct that depend upon the good will of both the employer and the union. If the employer violates any of these principles then they may be the subject of a campaign by Workers United and the TCWC to inform the public of the employer's anti-unionism.
11. Negotiations. If employees choose to unionize, the goal will be a union contract that takes into account the employer's need to remain competitive and to grow; the dignity, respect, and value of every employee; and the importance and value of full employee engagement and creative problem-solving. The employer and the Union commit to information sharing and joint creative problem solving. The employees will vote on whether to accept the agreement. If no agreement is reached within 4 months of recognition, the parties may mutually agree to a mediation and/or interest arbitration to resolve any outstanding issues.
12. Partnership in the mission of the employer. The union pledges that if the workers choose union representation, the union as an institution will be committed to the success of the employer and will encourage its members to engage in the employer's successful achievement of its mission. The union and the employer will work in partnership to fulfill the mission of the employer. The union embraces a performance-based and participatory culture where the union contributes to continual improvement of processes and shared responsibility for quality, innovation, and value.