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Union Vulnerability: Assess & Respond To Your Company's Risk

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Labor and Employment Law

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Organized Labor In 2009

- Union membership was down slightly, from 12.4% in 2008 to 12.3%
- Private sector union rates remain slightly lower than 8%
- Union win rate increased in 2009 to 73% from 66% in 2008

Benefits of Proactive Union Prevention

- Improves organizational communication
- Establishes effective defensive position
- Reduces costs
 - Implement policies & training now
 - vs.
 - Battling campaigns & elections later

Implement a Union Prevention Team

- Preventative Strategy & Operational Communications
- Legal Strategy & Compliance
- Media Campaigns

Establish Preventative Strategies & Policies

- Union-free statement
- Non-solicitation/non-posting policy
- Supervisor training
 - Basic principles of effective supervision
 - Recognizing signs of union organizing

Consider Your Business Model

- Company locations
 - How many
 - Location(s)
- Company's industry
 - Skill set/sophistication of workers
 - Likely to be targeted by unions?

Evaluate Union Threat Levels

Each Company location should be assessed by:

- Interviewing supervisors;
- Recognizing and dealing with local legal issues;
- Obtaining information on any union with activity near the site;
- Reviewing the Company's policies and procedures for legal compliance; and
- Training supervisors and on-site management on lawful union avoidance tactics.

Develop Personalized Action Plans By Site

- Classify each site as low, moderate or high-risk
- **Low risk**
 - High employee morale
 - Little or no interest of union interest in the site
 - Unions not present in immediate geographic area
- **Moderate risk:**
 - Demographic group of employees suggests receptive to union
 - Evidence of union interest in the facility
 - Unions present in immediate geographic area
- **High risk:**
 - Low employee moral/many “warning signs” present
 - Likely union has representation in relevant geographic area

Implement the Personalized Action Plan: Low Risk

- Review handbook policies for legal compliance and maximum union-free effectiveness;
- Conduct basic supervisor training on employee relations and legal methods of dispelling union propaganda;
- Analyze local and state laws to determine any potential effects;
- Implement an educational campaign for employees in the form of communications, which highlight the negative effects of unions; and
- Research the union to determine its typical methods, relative strength and contract terms.

Implement the Personalized Action Plan: Moderate Risk

- Conduct comprehensive supervisor training on:
 - Employee relations
 - Legal methods of dispelling union propaganda
- Review terms and conditions of employment and address any legitimate concerns;
- Implement an aggressive educational campaign;
- Retain a consulting company to formulate video presentations regarding the negative effects of unions

Implement the Personalized Action Plan: High Risk

- Coordinate multi-level organizational communications strategies;
- Ensure legality of all anti-union efforts;
- Identify the possible bargaining units
 - Develop strategy to maximize likelihood of unit that will vote against unionization