

Ground Rules for Managers and Supervisors in Case of a Strike

Should a strike occur, the statements that members of management make to employees who honor a picket line, as well as their actions, may result in an unfair labor practice charge by the union. Thus, supervisors and managers should be warned that any careless word or action could have serious consequences. According to management attorneys, managers and supervisors should be instructed in what they can and cannot do or say in strike situations. There are certain ground rules that may help employees in supervisory positions become familiar with and understand the permitted and prohibited areas of conduct. Following are some suggestions.

CHECKLIST: Strikes-What employers cannot do or say

1. We cannot bargain individually with employees to induce them to return to work.
2. We cannot threaten to close or move, or to drastically reduce operations.
3. We cannot threaten to discharge employees who go on strike. (We can legally replace them if they withhold their services. Legally, this is not the same as a discharge.)
4. We cannot threaten, coerce or in any way intimidate employees who choose to withhold their services.
5. We cannot visit employee homes to persuade them to return to work.
6. We cannot spy on union meetings.
7. We cannot take pictures (movies or snapshots) of peaceful picketing or distribution of handbills when it takes place off of company property.
8. We cannot promise strikers a pay increase, a promotion, betterment, benefits or special favors to induce them to return to work.
9. We cannot promise employees anything to try and solicit them to return to work.
10. We cannot call individuals or small groups of employees into supervisors, or management offices to make anti-union speeches.
11. We cannot make false statements about the union or its position on issues.
12. We cannot show favoritism between union and non-union sympathizers.

CHECKLIST: Strikes-What employers can do or say

1. We can tell or describe to employees the company's position on the issues. We must always be completely *accurate* and *factual*.
2. We can tell employees we plan to keep operating to serve our customers, picketing or no picketing.
3. We can tell employees that federal law gives them the right to withhold their services or to work, and we will respect that right.
4. We can tell employees that federal law gives our company the right to hire a permanent or replacement for anyone who honors a picket line and refuses to work.
5. We can enforce company rules fairly and impartially in accordance with our past practice and published rules.
6. We can speak to employees honoring the picket line so long as no promises or threats are made to solicit them to give up and come back to work.
7. We can replace an employee honoring the picket line unless he has made an unconditional offer to return to work before the time he was replaced with another person.
8. We can refuse to reinstate an employee if he has committed violence, damage to company property, used force to bar others from entering plant premises or other forms of strike misconduct.
9. We can protect our employees who continue to work.
10. We can protect ourselves during a strike.
11. We can protect our equipment and property.
12. We can legally stop employees honoring the picket line or union agents from following the cars of employees who choose to work.
13. We can hire guards to protect our equipment and property.