

EXERCISE 13.2*

Unions, Labor Law, and Managerial Prerogatives

Overview

Research indicates that general attitudes toward unions are strongly correlated with a number of workplace behaviors. These attitudes, sometimes based on limited facts about unions and their actual effects, can have a profound effect on a number of reactions in the workplace. Research also shows that expectancies regarding union behavior and activities can affect subsequent negotiations and managerial behaviors toward union activity. From the workers' perspective, attitudes also can affect reactions to union organizing efforts, perceptions of the extent to which unions can affect workers' pay and working conditions, and job attractiveness.

This exercise assesses attitudes toward unions in general and the extent to which these attitudes are grounded in fact. Discussion will center on the implications of the attitudes for union–management relations.

Learning Objectives

After completing this exercise, you should be able to

1. Understand the implications of preconceived attitudes toward union–management relations and managerial behavior.
2. Know some of the myths and truths about the effects of unions.
3. Adopt a more objective perspective on the subject of unions.

Procedure

Part A: Individual Analysis

Before reading Chapter 13 and before class, complete the questionnaire in Form 13.2.1. Then read Chapter 13 and conduct research on the statements in the exercise (your instructor may designate certain statements). For example, find research pertinent to the relationship between unions and productivity. Bring summaries of this research to class. Retain but cross out any of your original ratings and replace them with your “more educated” judgments. Next, visit Web sites related to the National Labor Relations Act and labor law (e.g., www.dol.gov). Try to answer the questions on Form 13.2.2. Bring this form to class.

Part B: Group Analysis

In groups of about 6, your instructor will instruct you to reach consensus on certain items on the two forms. Groups should prepare a short presentation for certain designated items.

FORM 13.2.1

Name _____ Group _____

With regard to unions in the United States today, use the following scale to indicate your opinion about each statement:

- 5 = Strongly agree
- 4 = Agree
- 3 = Undecided
- 2 = Disagree
- 1 = Strongly disagree

- _____ 1. U.S. productivity would be much higher if it weren't for unions.
- _____ 2. Unions protect incompetent workers so long as they belong to the union.
- _____ 3. Unions interfere with management attempts to increase productivity.
- _____ 4. Unions are corrupt.
- _____ 5. Unions are mainly responsible for the adversarial relationship that exists between unions and management.
- _____ 6. Union wages are not competitive in a global economy.
- _____ 7. Union rules and regulations stifle attempts to improve the quality of our products or services.
- _____ 8. Unions are a big help to workers.
- _____ 9. Unions are violent during strikes.
- _____ 10. More protection is needed for replacement workers who are threatened and harassed by striking unionists.
- _____ 11. The United States could be more competitive if we could get rid of unions.
- _____ 12. Big labor has excessive political power in Washington.
- _____ 13. Unions are undemocratic in their organizational structure.
- _____ 14. Union workers are less satisfied with their wages and benefits than are nonunion workers.
- _____ 15. Unions tend to oppose pay-for-performance (PFP) systems.
- _____ 16. Companies should be allowed to screen people based on their general attitudes toward unions.
- _____ 17. Union wages have outpaced nonunion wages over the last 10 years.
- _____ 18. Management should be allowed to hire replacement workers immediately after a strike action.
- _____ 19. I would join a union if I thought it might help me.

Answer Questions 20–24 as directed. Put your answer in the space provided.

- _____ 20. In general, I feel: (1) positive, (2) neutral, or (3) negative toward unions.
- _____ 21. I would vote “yes” if a union election were held in my workplace tomorrow: (1) definitely yes, (2) probably yes, (3) not sure, (4) probably not, (5) definitely not.
- _____ 22. Employees who have a union are better off than those who don't. (1) Employees are better off; (2) Employees are worse off; (3) There is no difference; (4) I'm not sure.
- _____ 23. It would be good for the country if more workers had union representation. (1) Good for the country; (2) Bad for the country; (3) Depends; (4) Not sure.
- _____ 24. Employees are more successful in getting problems resolved with their employer when they bring these problems up as a group rather than as individuals. (1) More successful as a group; (2) More successful as individuals.

FORM 13.2.2

Name _____ Group _____

CIRCLE T (true) or F (False) for each item. Note the special instructions for #37.

1. T F Managers do not have to worry about the NLRA if the workers they manage are not in a union.
2. T F Nonunion workers cannot go on strike.
3. T F A company can adopt a no pro-union shirt rule.
4. T F A manager can invoke the “employment-at-will” doctrine and fire a nonunion worker who complains about too much overtime.
5. T F A manager can invoke the “employment-at-will” doctrine and fire an employee who refuses to obey an order the employee feels is unsafe.
6. T F A manager can fire an employee who fails to use the company complaint process and walks off the job in protest of working conditions.
7. T F A manager can fire an employee who refuses to work an overtime shift.
8. T F A manager can fire an employee who voices a complaint in an offensive or disruptive manner.
9. T F A company may include a rule in its Handbook that prohibits employees from discussing their wages.
10. T F Managers can bar off-duty employees entry to parking lots and other nonworking areas.
11. T F Managers can bar its off-site employees from access to an employer’s facilities.
12. T F A manager can fire an employee who makes disparaging remarks about the employer in a newspaper article.
13. T F An employer can ban all nonbusiness e-mail correspondence among employees.
14. T F Because of the employment-at-will doctrine, managers do not necessarily have to apply work rules consistently.
15. T F A manager can appoint nonunion subordinates to a committee to discuss working conditions.
16. T F A manager can fire a nonunion employee who is picketing a store during off-duty hours for purposes of organizing the workers.
17. T F A manager can fire an employee if the manager finds out that the employee is a paid union organizer.
18. T F A manager can refuse to hire a job applicant if the manager knows the applicant is a union member.
19. T F An employer can adopt a no “moonlighting” policy if it the employer is concerned about paid union organizers being hired.

FORM 13.2.2 (Continued)

- 20. T F An employer can refuse to hire an overqualified individual if management knows the individual is sympathetic to unions.
 - 21. T F An employer can refuse to hire an applicant who violates a company rule forbidding disclosure by applicants of “protected activity” such as union organizing.
 - 22. T F A manager is allowed to tell employees that strikes are “inevitable” if there is a union.
 - 23. T F A manager can say that the store or plant will shut down if a union is voted in.
 - 24. T F A manager can ask employees questions about where they stand on unions.
 - 25. T F An employer can promise increases in employee benefits during an organizing campaign.
 - 26. T F An employer can impose a “no solicitation” rule at work stipulating absolutely no union organizing activities during all work hours on company property.
 - 27. T F An employer can allow anti-union activity during work hours while disallowing pro-union activity.
 - 28. T F An employer can allow charities to distribute material while not allowing a union to distribute information.
 - 29. T F An employer can ban pro-union buttons or insignia during working hours.
 - 30. T F An employer can ban union material from a bulletin board that allows Red Cross solicitations.
 - 31. T F An employer can ban pro-union screen-savers on the employer’s computer.
 - 32. T F A manager is allowed to say wages and benefits are not paid during a strike.
 - 33. T F A manager is allowed to say unemployment insurance is unavailable during a strike.
 - 34. T F A manager is allowed to say that only strike benefits are available to workers who picket.
 - 35. T F A manager is allowed to say “my eyes are on you and you’d better watch your step” to a pro-union employee.
 - 36. T F A manager can hire “permanent replacement workers” during a strike action and these replacements need not be displaced when the strike ends.
- Wal-Mart surveys its employees annually as part of its “Grass Roots” program. The survey is designed to assess employees’ perceptions on work-related issues. Results are tabulated by store, and the top three concerns are posted at each store. Formerly known as the Union Potential Index, the Unresolved People Index (UPI) is used to identify stores at risk of union organizing activity.
- 37. T F The use of the UPI is legal under the NLRA? Explain your answer below. If your answer is “No,” describe at least one situation where the use of the survey would be illegal under the NLRA.