

EMPLOYMENT,
LABOR &
WORKERS'
COMPENSATION

ADVICE
SOLUTIONS
LITIGATION

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A L A W C O R P O R A T I O N

“How To Remain Union Free. Is Your Company a Target?”

Employment Law Workshop

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UNION PREVENTION
STRATEGIES, RULES OF
DISCIPLINE, THE TEN KEY
SUPERVISOR QUESTIONS &
INSTRUCTIONS TO
SUPERVISORS DURING A UNION
CAMPAIGN

Union Prevention Strategies

I. Overview

- ☐ How the union is attempting to organize
- ☐ Top reasons on why employees seek unionization
- ☐ Union Prevention strategies
- ☐ Advantages of a preventative strategy

II. Union Organizing Strategies

- ☐ Hold conferences with continuing education credits
 - E-mail or mail information with a registration card
 - Registration card will give organizers leads
 - Use the conference to sell union and develop contracts
- ☐ Organizers will use California laws offensively
 - "California Labor Code and related employment laws are powerful weapons unions should wield to organize workers and to attack non-union employers"
 - "Effective use of labor laws will demonstrate that unions can improve working conditions as well as 'beat the boss'"
 - "A class action can be a very effective organizing device because the union can demonstrate its ability to win direct worker benefits. In some cases, the lawsuit can be settled as a part of an overall settlement that includes recognition and a contract."
- ☐ E-mail
 - All the union has to know is your employees first and last name because the rest of the address is the same.
- ☐ "Salts"
 - Unions will have organizers or pro-union supporters apply for jobs in order to organize your facility from "the inside."
 - "Salts" are typically paid by the union
 - You cannot refuse to hire a salt if he/she is qualified.
- ☐ Telephone
 - Hiding behind the guise of a survey try and obtain issues, concerns, and employee sympathies.
- ☐ Mailers
 - Use registration forms and other employees to obtain mailing list
- ☐ Home visits
 - Organizers and/or co-workers visit your house
 - Card signing and union sympathizers
 - Very Intimidating

- ▶ "We know where you live"
 - ▶ Don't want to let down a co-worker
- ☐ Use media and politicians
 - Put pressure on you to sign a "code of conduct" or "neutrality agreement".
 - Unions are trying to get a representative on Prop. 63 State Oversight and Accountability Commission.

III. Top 5 Reasons Employees Seek Unionization

- ☐ To satisfy their need to communicate
 - Perhaps the single biggest reason for employee unrest.
 - Feeling of involvement.
 - Aware of employer's business.
 - Want management to listen to their ideas, problems, and suggestions.
- ☐ To satisfy their need for dignity
 - Treated fairly and consistently.
 - Appreciation and credit for doing good job.
 - Follow through and feedback to questions and promises.
 - Advanced notice on matters that affect them or their environment.
- ☐ For wages and benefits
 - Union's don't normally organize on wage alone, but if you fall below "going" wages it can cause unrest.
 - Good benefits are one thing - communicating them is another?
 - If employees don't know what they have they are more susceptible to union promises.
- ☐ For security
 - Layoffs - Security
 - Do employees know the rules, understand the rules, and are they consistently enforced.
 - Grievance procedure
- ☐ For improved working environment
 - Overworked
 - Not safe
 - Not clean

IV. Preventative Strategies

- ☐ Preventative Strategies - New Hires
 - Interview and selection skills
 - Identify and prevent hiring unqualified employees
 - Identify and prevent hiring unqualified "salts"
 - Proper selection and mentoring of new hires

- Union-free message during orientation
 - Educate employees about card signing
- ☐ Preventative Strategies - Supervision
 - Assess your supervisors skills
 - Assess their ability to solve problems, communicate, improve morale, team build, and their role as a supervisor
 - Provide supervisors with training where needed.
 - Provide leadership team with labor education training.
 - Why is it important to be union-free
 - How and why unions organize
 - Relevant sections of the NLRA
 - Warning signs of union activity
 - What is a authorization card and how can it be used?
 - What can union representatives and pro-union employees do and not do.
 - What can management do and not do.
- ☐ Preventative Strategies - Wage and Benefit Surveys
 - Keep abreast of community and industry wage rates.
 - Review union wages and benefit packages
 - Adjust where necessary
 - Effectively communicate to employees that you are keeping pace.
- ☐ Preventative Strategies - Issue Identification & Resolution
 - Traditional opinion survey
 - Employee satisfaction survey (face-to-face)
 - Outside facilitators conduct the session
 - Employees like face-to-face
 - Improves understanding of issues that cannot be categorized or explained in a written survey
 - Assess union vulnerability
 - Forums for employees to raise issues
 - Rotating employee committees
 - Lunch with the boss
 - Small group meetings with management
 - Walk through facility (face-to-face)
 - Exit interviews
 - Discover source or satisfaction and dissatisfaction.
- ☐ Preventative Strategies - HR and Safety Audits
 - HR Audit
 - Review personnel policies and handbooks
 - Review personnel record-keeping and confidential policies
 - Review hiring, termination and disciplinary systems
 - Reduces chance of union wage and hour and other

CA laws as organizing or corporate campaign issues.

■ Safety Audit

- Insure safety compliance
- Reduces chance of violations
- Reduces chance of using safety as an organizing or corporate campaign issue
- Improves safety image.

□ Advantage of a Preventative Strategy

■ Improves employee relations and retention

■ Decrease union vulnerability

- Reduces issues that could be used in an organizing drive or corporate drive.
- Reduces chance of petition being filed
- Increases likelihood of winning an election if a petition gets filed.

■ Cost effective approach

- Incremental approach that only incurs those costs that are necessary
- Management becomes integrated and active participants and empowered through training to become more effective communicators.
- Costs less than a union campaign.

THE TEN KEY SUPERVISOR QUESTIONS

1. Who are your supervisors?
2. Do they know they are supervisors?
3. Do they understand the allegiance to the company?
4. Have they received training on how to remain union free?
5. How are your supervisors selected?
6. How are your supervisors trained to communicate with your employees?
7. Are supervisors held accountable?
8. Do your supervisors know how to respond during a union organizing attempt?
9. Do your supervisors know the early warning signs of union activity?
10. Are your supervisors your best asset or your weakness?

RULES OF DISCIPLINE

1. FAIRNESS. Ask yourself the following question: Is it fair to discipline this employee based upon the quality and quantity of the facts before you?
2. CONSISTENCY. In the past has the Market imposed the same discipline in similar situations?
3. UNIFORMITY. The Market has an employee handbook, so employees know what is to be expected of them and what the Market provides for them for benefits. As a supervisor you must promote the understanding of such policies to each employee.

Examples: Excessive absenteeism.

Insubordination.

4. HONESTY. During discipline it is essential that you are candid and direct with the employee regarding performance and performance appraisals. Never tell any employee they are being laid off when performance is the real issue.
5. BE OBJECTIVE. If you find yourself in the position that you do not have the clarity to make a fair decision, such as when you are mad at an employee, do nothing until you can make an objective decision. Talk to the Human Resource Representative to make certain that you are making the right decision.
6. FOLLOW RULES 1, 2, 3, 4 and 5. Be in a position to demonstrate all of the above. Imagine yourself in the witness chair. This is what you want to portray to the judge or the jury.

FREEDOM OF SPEECH,
HOW TO STAY UNION FREE
*(YOUR RIGHTS UNDER THE
NATIONAL LABOR RELATIONS ACT)*

**MEETING THE CHALLENGE:
FREEDOM OF SPEECH**

Section 7 of the National Labor Relations Act states:

“Employees shall have the right to self organization, to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, and shall also have the right to refrain from any such or all of such activities except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment as authorized in section 8(a)(3).”

Section 8(c) of the National Labor Relations Act contains a FREEDOM OF SPEECH provision that allows our company, its supervisors and employees to express themselves without fear of violating federal law:

“The expressing of any views, argument, or opinion, or the dissemination thereof, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of an unfair labor practice under any of the provisions of this Act, if such expression contains no threat of reprisal or promise of benefit.”

**CONCLUSION: EXPRESS YOUR VIEWS, ARGUMENTS AND OPINIONS AS TO
WHY A UNION IS NOT IN THE BEST INTEREST OF THE ORGANIZATION!**

HOW TO STAY UNION FREE

YOUR RIGHTS UNDER THE NATIONAL LABOR RELATIONS ACT

EXCERPTS FROM THE NATIONAL LABOR RELATIONS ACT

FINDINGS AND POLICY

It is hereby declared to be the policy of the United States to eliminate the causes of certain substantial obstructions to the free flow of commerce and to mitigate and eliminate these obstructions when they have occurred by encouraging the practice and procedure of collective bargaining and by protecting the exercise of workers of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection.

1. Labor Organization - Section 2(5)

The term "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

2. Supervisors - Section 2(11)

The term "supervisor" means any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

3. Rights of Employees - Section 7

Employees shall have the right to self-organization, to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, and shall also have the right to refrain from any or all of such activities except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment as authorized in Section 8(a)(3).

4. Employer Unfair Labor Practices - Section 8(a)

It shall be an unfair labor practice for an employer:

(1) to interfere with, restrain or coerce employees in the exercise of the rights guaranteed in Section 7;

(2) to dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it: Provided, that subject to rules and

regulations made and published by the Board pursuant to Section 6, an employer shall not be prohibited from permitting employees to confer with him during working hours without loss of time or pay;

(3) by discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization...

(4) to discharge or otherwise discriminate against an employee because he has fled charges or given testimony under this Act;

(5) to refuse to bargain collectively with representatives of his employees subject to the provisions of Section 9(a).

5. Union Unfair Labor Practices - Section 8(b)

It shall be an unfair labor practice for a labor organization or its agents:

(1) to restrain or coerce (A) employees in the exercise of the rights guaranteed in section 7: Provided, that this paragraph shall not impair the right of a labor organization to prescribe its own rules with respect to the acquisition or retention of membership therein; or (B) an employer in the selection of his representatives for the purposes of collective bargaining or the adjustment of grievances;

(2) to cause or attempt to cause an employer to discriminate against an employee in violation of subsection (a)(3) or to discriminate against an employee with respect to whom membership in such organization has been denied or terminated on some ground other than his failure to tender the periodic dues and the initiation fees uniformly required as a condition of acquiring or retaining membership.

6. Employer "Free Speech" - Section 8(c)

The expressing of any views, argument, or opinion, or the dissemination thereof, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of an unfair labor practice under any of the provisions of this Act, if such expression contains no threat of reprisal or force or promise of benefit.

7. Collective Bargaining - Section 8(d)

For the purposes of this Section, to bargain collectively is the performance of the mutual obligation of the employer and the representative of the employees to meet at reasonable times and confer in good faith with respect to wages, hours, and other terms and conditions of employment, or the negotiation of an agreement, or any question arising thereunder, and the execution of a written contract incorporating any agreement reached is requested by either party, but such obligation does not compel either party to agree to a proposal or require the making of a concession.

THINGS MANAGEMENT MAY SAY ABOUT UNIONS DURING UNION CAMPAIGNS

F - FACTS
O - OPINIONS
E - EXAMPLES

1. Examples of "Facts"

- a. Currently, under 8% of the American private sector workforce is union-free.
- b. Employees who go out on an economic strike can be permanently replaced.

2. Examples of "Opinions"

- a. I think a union is the worst thing that could ever happen to this Company.
- b. I don't think you should sign a union card.

3. Examples of "Examples"

- a. In the early 70's, the Company where my friend worked went on strike. All the striking employees were permanently replaced.
- b. The plant down the street was unionized and now its in bankruptcy.

4. THE KEY

When using "FOE" be honest with yourself. If what you're thinking is not truly a Fact, Opinion or Example, don't say it.

DISADVANTAGES OF UNION REPRESENTATION

FROM THE VIEWPOINT OF THE COMPANY

1. Customer Service and Satisfaction May Be Affected

A union is a third party which has no legal obligation to provide service. Naturally, its objectives will differ from those of the company. As a result, the union may:

- (a) demand work rules which detract from the quality or quantity of service;
- (b) demand special privileges, such as the right to conduct union business in the facility;
- (c) call a strike and engage in picketing.

These are only a few examples of how unionization could interfere with the services we provide:

2. Lack of Managerial Flexibility

The Company now has the flexibility to adjust to meet changing company needs.

3. Management Time Wasted

Unionization means that a great deal of time may be spent by supervisors in dealing with petty union gripes and grievances. With a union, consultation with the union steward becomes standard procedure before changing duties, assignments, schedules or other actions affecting employment conditions. This means that time-wasting discussion and horse-trading become a part of many management decisions.

4. Divided Loyalty Of Employees

Unionization often means that management cannot get wholehearted cooperation and support in solving problems.

5. Higher Operating Costs

Due to delays, time wasting, work rule restrictions, grievances, arbitrations, etc., the cost of operation to the Company will go up. This reduces the amount of money available for investing in new equipment, new programs, new facilities and wages.

We will discuss the union's financial obligations in greater detail below.

6. Loss of Personal Freedom

Due to union disciplinary rules and procedures (e.g., trials, fines, suspension, expulsion, etc.), employees will lose personal freedom. Union rules and discipline will be explained below.

7. Loss of Individuality

While employees will have the right to talk to you individually, the union would probably discourage this and insist that employees only use the union's formal grievance procedure. Under the labor law, the union has a right to be present at any supervisor-employee conference, whether the employee likes it or not.

8. Incentives Are Limited

Merit increase and individual incentives for extra effort and skill are contrary to trade union philosophy.

9. Possibility of Strikes

Despite these costs and disadvantages, employees have no guarantee that they will get more or better. In cases where the union is unable to achieve what it has promised at the bargaining table, unions sometime draw employees into costly and unsuccessful strikes.

While on strike, employees do not receive wages, benefits or unemployment compensation. They may even be permanently replaced in an economic strike. We will discuss the subject of negotiations and strikes further.

WHAT THE SUPERVISOR CAN DO

1. Keep union organizers from soliciting on the Company premises, which will be described during this program.
2. Inform employees from time to time of the benefits they presently enjoy. (Avoid veiled promises or threats.)
3. Inform employees that they do not have to sign a union authorization card.
4. Inform employees of the disadvantages of belonging to the union, such as the possibility of strikes, serving in a picket line, dues, fines, assessments and the one-man or clique rule.
5. Inform employees that you prefer to deal with them rather than have the union or any other outsider settle employee grievances.
6. Inform employees about what you think of unions and union policies.
7. Inform employees about any prior experience you have had with unions and whatever you know about the union officials trying to organize them.
8. Inform employees that no union can obtain more than you as an employer are able to give.
9. Inform employees how their wages and benefits compare with unionized or non-unionized concerns, where wages are lower and benefits less desirable.
10. Inform employees of any untrue or misleading statements made by the organizer. You may give employees the correct facts.
11. Distribute information about unions.
12. Reply to union attacks on the Company policies or practices.
13. Give the legal position on labor-management matters.
14. Advise employees of their legal rights, provided that the employer does not encourage or finance an employee suit or proceeding.
15. Insist that any solicitation of membership or discussion of union affairs be conducted outside of employee working time.

16. Administer discipline, layoff, grievances, etc., without regard to the union membership or non-membership of the employee involved.
17. Treat both union and non-union employees alike in making assignments of preferred work, desired overtime, etc.
18. Tell employees that they are free to join or not to join any organization, so far as their status with the Company is concerned.

IMPORTANT

Please notify _____ immediately upon any contact or incident regarding union organizing activities.

All records and notations and Company memoranda should be carefully secured in a locked area and treated with the utmost confidence.

Be sure to maintain an accurate log of all union-related events at all times. This log should be specific in all details, such as time, place, who was present, what happened, witnesses, etc.

***STATEMENTS SUPERVISORS SHOULD NOT
MAKE TO EMPLOYEES DURING A CAMPAIGN***

A. THREATS

1. The Company will never sign a contract with this union.
2. The Company will get those employees that are for the union.
3. I'll see to it that you will never get another promotion or wage increase here.

B. INTERROGATION

1. Who is going to the union meeting tonight?
2. How do you feel about the union?
3. Why do the employees want the union?
4. What have other employees been saying about the union?

C. PROMISES

1. If you vote against the union, I will see to it that:
 - a. You get a raise;
 - b. You get that extra week's vacation;
 - c. You are promoted.
2. The Company will take care of its friends after the election.

D. SURVEILLANCE

1. The Company knows who is for the union.
2. I heard you had a lot to say at the union meeting last night.

YOU CAN SAY IT

A very complex and controversial problem when supervisors discuss unions is the question of what one is allowed to say. The Labor Board says it is attempting to balance two highly valued rights - your freedom of speech and the freedom of employees to form, join, or assist a labor organization, or refrain from doing so, without coercion or interference. This problem comes to the fore when an employer wants to tell its employees either in writing or verbally the disadvantages of joining a union.

You may have heard and read a good deal about what you, as management, may or may not say. Read the statements made on the following pages. We ask you to indicate whether you think each statement is proper and legal for you to make or whether it is not. Let's have your best judgment. Indicate your answer to each item by circling whether you think the statement is legal or illegal.

1. Union dues are very expensive. You may also have to pay initiation fees, fines, and assessments. I wouldn't want that much of my hard-earned money going to them.
☐ Lawful ☐ Unlawful
2. If a contract has to be negotiated with the union, nothing is guaranteed. You may end up with more, you may end up with less, or nothing may change. But you'll still have to pay dues to them.
☐ Lawful ☐ Unlawful
3. I think the union would ruin whatever relationship management has been able to achieve with the employees. I don't think a union could possibly make it any better. We will never agree to give more than what is in the best interests of the Company or its customers.
☐ Lawful ☐ Unlawful
4. The Company does not have to agree to any demand or proposal the union might make.
☐ Lawful ☐ Unlawful
5. If you sign a union card, you'll get what you deserve.
☐ Lawful ☐ Unlawful

6. Be careful if you sign a card. We'll be able to figure out who signed and who didn't, and we'll remember who did what.
- ☐ Lawful ☐ Unlawful
7. No union activity is allowed on our property.
- ☐ Lawful ☐ Unlawful
8. If a union ever gets in, layoffs will be inevitable.
- ☐ Lawful ☐ Unlawful
9. If you do your part to make sure the union loses the election, we'll give you whatever they were promising you.
- ☐ Lawful ☐ Unlawful
10. Jackie, I'd like to discuss the union further with you.
- ☐ Lawful ☐ Unlawful
11. Rodney, tell me more about the union meeting last night. Were you there? Were cards signed? How many other people were there?
- ☐ Lawful ☐ Unlawful
12. I have been learning all I can about this union, and intend to learn more. If you have any questions about the union, come and see me.
- ☐ Lawful ☐ Unlawful
13. I believe the union and its leaders are irresponsible people who only want your money. They don't care about you and know nothing about our business. Why take chances?
- ☐ Lawful ☐ Unlawful
14. If the union is so great, why don't you ask them to put all of their promises in writing, and if they don't keep them all within a year, have them commit to refunding all the dues money they took from you? If they won't do that, why would you trust them if their promises are worthless?
- ☐ Lawful ☐ Unlawful

15. No one can make us negotiate with the union. If they are voted in, we'll just shut the place down and be done with it.
- ☐ Lawful ☐ Unlawful
16. Did you know there was a long strike at another facility this union organized? The strikers were permanently replaced and are now out of work. That could happen here too.
- ☐ Lawful ☐ Unlawful
17. You were supposed to get your annual raise next week, but because of all the fuss being kicked up by the union, we can't give it to you.
- ☐ Lawful ☐ Unlawful
18. Our position is that being unionized is not in the best interests of the Company, our employees, or our customers.
- ☐ Lawful ☐ Unlawful
19. If the union forces you to go out on strike, we have the right to stop paying your health insurance premiums. If that happens, you would have to pay the whole monthly premium for you and your family.
- ☐ Lawful ☐ Unlawful
20. This union did a lousy job for the other employees they organized.
- ☐ Lawful ☐ Unlawful
21. This union has many strikes. There is a risk there would be a strike here, too, if they get voted in.
- ☐ Lawful ☐ Unlawful
22. Unions may have served a useful purpose at one point in this country's history. But with federal and state laws protecting workers, and our own Company's policies, unions are no longer necessary and do more harm than good.
- ☐ Lawful ☐ Unlawful
23. Unions are nothing but big businesses these days. They don't care about you and they have their own agenda.
- ☐ Lawful ☐ Unlawful

24. If a union comes in, it would ruin our relationship. You couldn't come in and discuss the possibility of a raise with me. All that would have to be done by a committee who may not know you.
- ☐ Lawful ☐ Unlawful
25. In negotiations, the Company could ask for something called a management right's clause, which would let us make management decisions such as staffing and scheduling the same way we do now. So what would the point be in having a union?
- ☐ Lawful ☐ Unlawful
26. So tell me what you think about unions.
- ☐ Lawful ☐ Unlawful
27. Often in negotiations, unions trade things like wages and benefits for things like a union security clause or a dues check-off provision, which only benefits the union bureaucracy.
- ☐ Lawful ☐ Unlawful
28. Don't believe it if a union organizer says signing a card is only to have an election or to get more information. If they have enough cards, the union may get in even without a full-fledged election.
- ☐ Lawful ☐ Unlawful

STATE OF THE UNIONS 2011

Presented By:
Timothy A. Davis

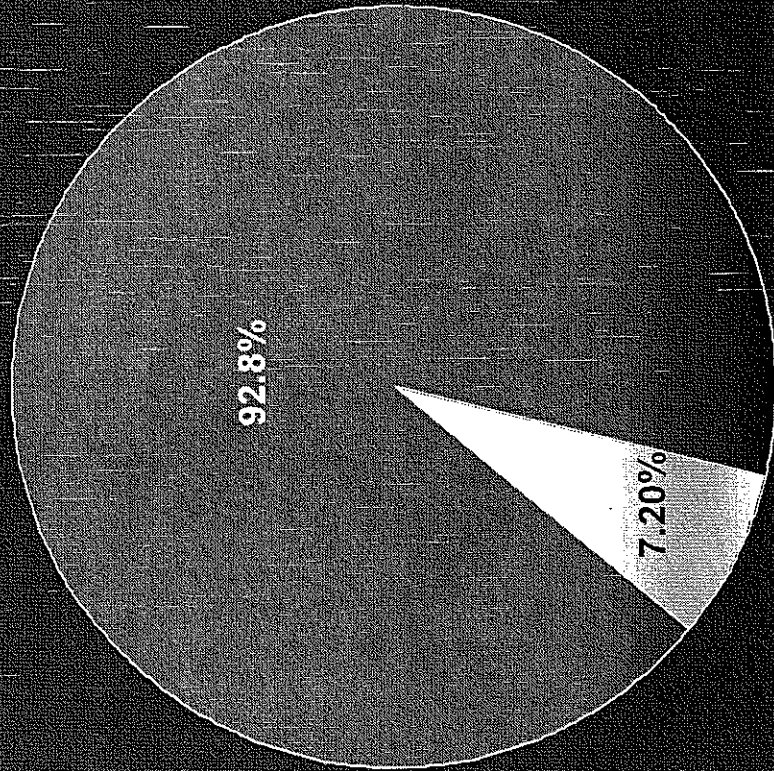
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Asheville / Atlanta / Austin / Birmingham / Boston / Chicago / Columbia / Dallas/Fairfax / Greenville / Jacksonville
Lakeland / Kansas City / Los Angeles / Macon / Nashville / Princeton / St. Louis / Tampa / Winston-Salem

The State of Organized Labor Today

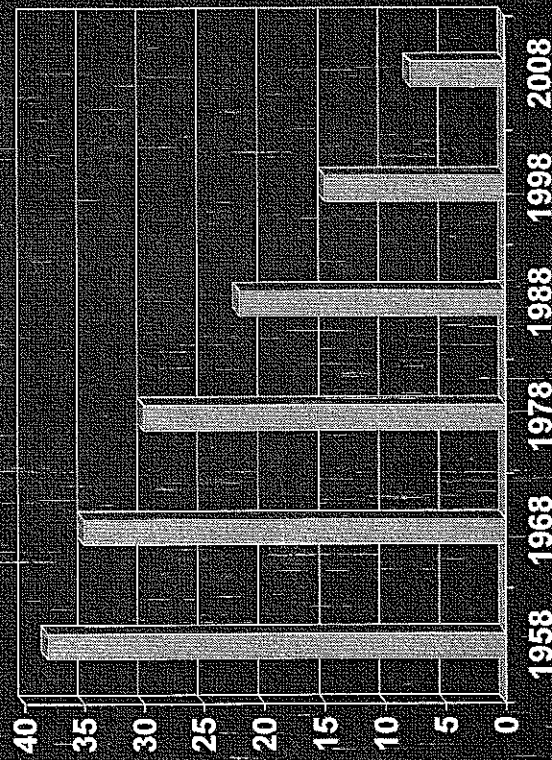
Union Membership in the Private Sector
(As a Percentage of Total U.S. Workforce)

In 1954, about 35% of American workers in the private sector were union members. According to the U.S. Department of Labor, TODAY, this figure is only 7.2%



Including the public sector, it's only 12.3%

Percentage of U.S. EEs in Unions



MANAGEMENT JOBS WERE LOST AT THESE
SAME BUSINESSES, TOO

Flashback 2009-2010

- Legal Playing Field
 - EFCA card check very realistic possibility
 - Card Check
 - Mandatory Arbitration
 - Enhanced Penalties
 - Two-Member NLRB (no “policy” making in years)
- Union Activity
 - Elections Down (anticipation of EFCA)
 - Economy Tanking (still struggling)

The Present

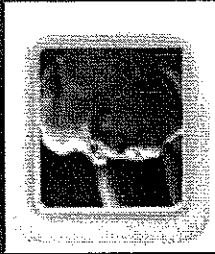
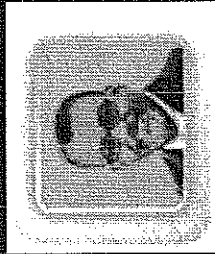
- EFCA Dead
- New Labor Board in Place and ACTIVE!
- New NLRB General Counsel Lafe Solomon

Payback for the Unions



The New NLRB

Wilma Liebman Craig Becker Mark Pearce Brian Hays Terrence Flynn



???

Bricklayers

SEIU

Union Att'y

Republican

Republican

What's the NLRB Done So Far?

Help for Union Organizing Efforts

- New Timeline for Discharge Cases in Campaigns
- Implemented New 10(j) Injunction Guidelines
- RFP for Electronic Voting in Elections
- “Bannering” Secondary Employers is Not Unlawful
- Discharge for Facebook Comments Was Unlawful

What Will the NLRB Do Next?

- New Remedies for 8(a)(1) Violations [TIPS]
- New Backpay [8(a)(3)] Mitigation Determinations
- Implemented Rule Requiring Electronic Posting of Settlements and Decisions
- Proposed Rule for Mandatory Poster/Electronic Communication Discussing Right to Organize
- Shorten Time for Elections

NLRB ELECTIONS TODAY

“INFORMED” Voters

1ST Campaign

2ND Campaign

PETITION

42 DAYS

ELECTION

/

/

/

Present Facts to EEs

Reasoned

R HEARING

Vote

COMING NLRB ELECTIONS

“EMOTIONAL” Voters

1ST Campaign 2ND Campaign

PETITION 14-21 DAYS ELECTION

/ / _____

/ *Emotional*

R HEARING *Vote*

The Impact of Quick Elections

1. Unions Will Win More Elections
(Unions Have a 75% Win Rate in Healthcare)
2. Winning the 1st Campaign (Card Signing) Will Be Much More Critical
3. Supervisors and Managers Must Be PREPARED to Recognize, Report and Legally Respond.

Most Important Word to Remember

- What one word will decide length, strength and ultimately the success in defending an organizing drive?
- Answer: TRUST

Texas Union Update

- CNA changed name to NNU
 - Membership in 23 states with merger with Massachusetts Nurses Association and United American Nurses and organizing “wins” in Texas
 - RN Membership at 150,000
- SEIU
 - SEIU Membership 2.2 million members with more than 1.1 million in healthcare (acute care and skilled nursing)
 - More RN members than NNU

Texas Activity

- NNU
 - Tenet
 - Houston Cypress-Fairbanks 3-year agreement reached
 - Dallas neutrality organizing in Dallas area still pending for three more months (White Rock Lake and Centennial)
 - HCA
 - El Paso, Corpus Christi, Brownsville and McAllen RN elections in June and negotiations now under way
 - NNU neutrality now over
- SEIU
 - HCA El Paso, Corpus Christi, Brownsville and McAllen "Service" and "Technical" elections in June and negotiations now under way.
 - SEIU neutrality ends in March
- Overall - Two strongest healthcare unions now active in Texas
- Texas laws of significance: RN committees; Right to Work

Cypress-Fairbanks Agreement

Nurses, Tenet have tentative deal on 3-year pact
Houston Chronicle
June 22, 2010

Registered nurses at Cypress Fairbanks Medical Center and Tenet Healthcare Corp. reached their first tentative agreement for a new three-year contract. The National Nurses Organizing Committee-Texas, the organizing arm of National Nurses United, represents about 300 registered nurses at the hospital. The tentative agreement, which would provide the nurses with a new contract, was approved by a vote of the nurses who voted to join the union two years ago, said Patrice McCarthy, a registered nurse at Cypress-Fairbanks Medical Center and a member of the union bargaining committee. "We're really, really proud of our achievement," she said, referring to the two years it took to hammer out the agreement and fight back a decertification election. One of the key benefits of the agreement is the establishment of an independent grievance process that will meet regularly to discuss patient care issues, she said.

"We believe staffing decisions need to be made at the hospital based on patient acuity and high clinical quality standards," he said.

The NNU Organizing Message

We are a national professional organization with growing strength in Texas

- Its all about the ratios - Study “proves” it and strength will get it
- We will also get you more money – it will cost you nothing
 - Texas right to work implications – “You will decide if cost of membership is worth negotiated gains and all get to vote”
- We will also get you better healthcare benefits
- We will also get you a pension
- We will get you a seat at the table
- But really its about patient care

The SEIU Organizing Message

We are the largest union in healthcare and know how to take care of all employees at all levels

- We will get you more money - it will cost you nothing
 - Texas right to work state implications
- We will also get you better benefits
- We will also get you a seat at the table
- We will get you respect and fair treatment from management
- But really its about patient care

Next Steps

- Predictable is Preventable
 - We know their playbook so prepare your defense accordingly
 - Don't wait for the ball to be snapped before you develop and implement your strategy
- Happy, engaged and informed employees do not reach out to or vote for a union
- Management team must be educated, prepared and well-coached.



News Release

National Labor Relations Board

December 21, 2010

Contact:

Office of Public Affairs

202-273-1991

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www.nrlrb.gov

Board proposes rule to require posting of NLRA rights

Notices would be similar to those detailing rights under safety, wage and anti-discrimination laws

The National Labor Relations Board has submitted to the *Federal Register* a Notice of Proposed Rulemaking, which provides for a 60-day comment period. The rule would require employers to notify employees of their rights under the National Labor Relations Act.

As the Notice states, the Board “believes that many employees protected by the NLRA are unaware of their rights under the statute. The intended effects of this action are to increase knowledge of the NLRA among employees, to better enable the exercise of rights under the statute, and to promote statutory compliance by employers and unions.”

Private-sector employers (including labor organizations) whose workplaces fall under the NLRA would be required to post the employee rights notice where other workplace notices are typically posted. If an employer communicates with employees primarily by email or other electronic means, the notice would be posted electronically as well. The notice would be available from the agency’s regional offices and could also be downloaded from the NLRB website.

The proposed notice is similar to one recently finalized by the U.S. Department of Labor for federal contractors. It states that employees have the right to act together to improve wages and working conditions, to form, join and assist a union, to bargain collectively with their employer, and to choose not to do any of these activities. It provides examples of unlawful employer and union conduct and instructs employees how to contact the NLRB with questions or complaints.

This rule was originally proposed in a petition to the NLRB by Charles Morris, Professor Emeritus of Law, Southern Methodist University, in 1993. Similar postings are already required under the Fair Labor Standards Act, Title VII of the Civil Rights Act of 1964,

the Age Discrimination in Employment Act, the Occupational Safety and Health Act, the Americans with Disabilities Act, and the Family and Medical Leave Act, among other workplace laws.

The NLRA applies to most private-sector workplaces. Employers of airline, railroad, and agricultural workers are not covered. Section 6 of the NLRA authorizes the Board to issue “such rules and regulations as may be necessary to carry out the provisions” of the statute.

Board Member Brian Hayes dissented from the issuance of the proposed rulemaking, stating his belief that “the Board lacks the statutory authority to promulgate or enforce the type of rule which the petitions contemplated and which the proposed rule makes explicit.”

Public comments are invited on all aspects of the proposed rule, including the issue of the Board’s authority raised by the dissent, and should be submitted within 60 days of publication in the *Federal Register*, either electronically to www.regulations.gov, or by mail or hand-delivery to Lester Heltzer, Executive Secretary, NLRB, 1099 14th Street NW, Washington DC 20570.

A fact sheet and further information about the proposed rule is available here.

The National Labor Relations Board is an independent federal agency vested with the power to safeguard employees’ rights to organize and to determine whether to have unions as their bargaining representative. The agency also acts to prevent and remedy unfair labor practices committed by private sector employers and unions.

###

EMPLOYEE RIGHTS

UNDER THE NATIONAL LABOR RELATIONS ACT

The NLRA guarantees the right of employees to organize and bargain collectively with their employers, and to engage in other protected concerted activity. Employees covered by the NLRA are protected from certain types of employer and union misconduct. This Notice gives you general information about your rights, and about the obligations of employers and unions under the NLRA. Contact the National Labor Relations Board, the Federal agency that investigates and resolves complaints under the NLRA, using the contact information supplied below, if you have any questions about specific rights that may apply in your particular workplace.

Under the NLRA, you have the right to:

- Organize a union to negotiate with your employer concerning your wages, hours, and other terms and conditions of employment.
- Form, join or assist a union.
- Bargain collectively through representatives of employees' own choosing for a contract with your employer setting your wages, benefits, hours, and other working conditions.
- Discuss your terms and conditions of employment or union organizing with your co-workers or a union.
- Take action with one or more co-workers to improve your working conditions by, among other means, raising work-related complaints directly with your employer or with a government agency, and seeking help from a union.
- Strike and picket, depending on the purpose or means of the strike or the picketing.
- Choose not to do any of these activities, including joining or remaining a member of a union.

Under the NLRA, it is illegal for your employer to:

- Prohibit you from soliciting for a union during non-work time, such as before or after work or during break times; or from distributing union literature during non-work time, in non-work areas, such as parking lots or break rooms.
- Question you about your union support or activities in a manner that discourages you from engaging in that activity.
- Fire, demote, or transfer you, or reduce your hours or change your shift, or otherwise take adverse action against you, or threaten to take any of these actions, because you join or support a union, or because you engage in concerted activity for mutual aid and protection, or because you choose not to engage in any such activity.
- Threaten to close your workplace if workers choose a union to represent them.
- Promise or grant promotions, pay raises, or other benefits to discourage or encourage union support.
- Prohibit you from wearing union hats, buttons, t-shirts, and pins in the workplace except under special circumstances.
- Spy on or videotape peaceful union activities and gatherings or pretend to do so.

Under the NLRA, it is illegal for a union or for the union that represents you in bargaining with your employer to:

- Threaten you that you will lose your job unless you support the union.
- Refuse to process a grievance because you have criticized union officials or because you are not a member of the union.
- Use or maintain discriminatory standards or procedures in making job referrals from a hiring hall.
- Cause or attempt to cause an employer to discriminate against you because of your union-related activity.
- Take other adverse action against you based on whether you have joined or support the union.

If you and your coworkers select a union to act as your collective bargaining representative, your employer and the union are required to bargain in good faith in a genuine effort to reach a written, binding agreement setting your terms and conditions of employment. The union is required to fairly represent you in bargaining and enforcing the agreement.

Illegal conduct will not be permitted. If you believe your rights or the rights of others have been violated, you should contact the NLRB promptly to protect your rights, generally within six months of the unlawful activity. You may inquire about possible violations without your employer or anyone else being informed of the inquiry. Charges may be filed by any person and need not be filed by the employee directly affected by the violation. The NLRB may order an employer to rehire a worker fired in violation of the law and to pay lost wages and benefits, and may order an employer or union to cease violating the law. Employees should seek assistance from the nearest regional NLRB office, which can be found on the Agency's website: www.nlrb.gov.

Click on the NLRB's page titled "About Us," which contains a link, "Locating Our Offices." You can also contact the NLRB by calling toll-free: 1-866-667-NLRB (6572) or (TTY) 1-866-315-NLRB (6572) for hearing impaired.

The National Labor Relations Act covers most private-sector employers. Excluded from coverage under the NLRA are public-sector employees, agricultural and domestic workers, independent contractors, workers employed by a parent or spouse, employees of air and rail carriers covered by the Railway Labor Act, and supervisors (although supervisors that have been discriminated against for refusing to violate the NLRA may be covered).



This is an official Government Notice
and must not be defaced by anyone.

U.S. Department of Labor

New Approaches to Organizing Women and Young Workers

**Social Media &
Work Family
Issues**



Labor Project for Working Families

Cornell ILR Labor Programs

UC Berkeley Labor Center

July 2010

New Approaches to Organizing Women and Young Workers

Social Media and Work Family Issues

This report was conducted by Netsy Firestein, Labor Project for Working Families, Deborah King, Cornell ILR Labor Programs and Katie Quan, UC Berkeley Labor Center, with assistance from Legna J. Cabrera, Jenya Cassidy, and Jocelyn Mazurkiewicz.

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Special thanks to our Advisory Committee:

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Executive Summary

Perhaps the most significant demographic change in the workforce in the past 50 years is the presence of women, who very soon will outnumber men among those who work outside the home. Another significant demographic change in the workforce is the presence of young workers. Over 70 percent of those ages 16-34 are part of the civilian labor force, but only 8.2 percent of them belong to unions. The future of the labor movement depends upon fresh approaches to organizing, and some of the most exciting and innovative strategies and tools are being developed by young organizers using new technology and social media. We interviewed 23 young organizers to understand how they use social media to organize, and whether they have focused on work and family issues in these efforts.

Social Media

Our interviews showed that organizers use internet websites to provide information and credibility to organizations, Facebook and MySpace to help workers to connect with each other and express opinions, and Twitter and texts to remind workers to take action. However organizers who have used these tools also caution that new technology and social media should not be substituted for personal contact, and precautions should be put in place to ensure security and privacy for the workers we organize.

The use of social media and new technology for organizing has been particularly effective among young workers, many of whom have grown up with computers and the internet their whole lives. Statistics show that young workers who join unions have substantially better wages and benefits, but young workers are less likely to be in unions. Therefore much more needs to be done to reach out to them and make their concerns union priorities. To be effective, unions also need to make unions appealing to young workers through a cultural shift and promoting young workers and young staff to leadership positions.

How social media is used:

- an on-line presence enables workers to **check out** the union for themselves
- social media helps younger workers see the union as **hip**
- YouTube or blast texts got people talking about the union by creating a “**buzz** around the campaign”
- unions should now ask for **cell phone and email** information on union authorization cards; **home phone numbers are practically useless** for contacting young workers
- organizing committees **communicate** through Facebook or blogs and/or texts

- social media and the internet allow people to communicate in *flexible* time, which helps people with family responsibilities
- social networking helps people connect across geography and jurisdictions

Users Need Union Support

- labor movement must become *skilled* in using these ways of communicating
- organizers need *technical support* from their unions
- frontline organizers need *authority* to respond rapidly

Work Family Issues

Not only women are concerned about work family issues today. Young workers are also concerned about work family balance, and rate the importance of this issue even higher than their older counterparts. Organizers told us that members' concerns were not necessarily expressed as work and family issues. Rather caregiving responsibilities were often the real reason why workers wanted jobs security, health benefits, less overtime, knowing their schedules well in advance, and other traditional bargaining topics. This speaks to the need to consider whether work and family issues should be framed differently.

- Members needed more support for paid family and medical leave, childcare assistance, flexible hours, etc.
- Work and family issues were major causes of stress for the women they are organizing, whether or not they were framed as work and family issues.
- Mandatory overtime made it impossible to pick children up from childcare, which indicated disrespect and insensitivity to family demands.
- Retail workers need to know their schedules far in advance so they can plan childcare and school.
- The need for paid time off was frequently mentioned in the context of the need to spend more time with family.
- For low wage workers, inadequate health insurance was a family concern.
- For single parents job security is a family issue because not having a job means there is no way to pay bills and put food on the table.

Recommendations

We hope that this research will be the first step in bringing attention to the need to organize women and young workers through use of social media and work and family issues. Organizers are using new technology and social media successfully. The immediate challenge for unions will be how to provide

organizers with these tools, the skills to use them and the budget to maintain them. The longer range challenge will be how unions use these tools strategically and create a new union culture that is attractive to young workers.

Work and family issues are highly important to women workers and young workers today are even more concerned about work/life balance than previous generations, however they are not priorities at most bargaining tables. Issues like job security, health benefits, work scheduling and other commonly recognized core union topics actually relate to work and family issues. Therefore an effort should be made to reframe work and family issues as core labor issues. We recommend **that unions and funders advance the dialogue around work and family issues and young workers; unions begin to include work and family and young workers' issues in their campaign plans; unions experiment with the use of social media through pilot projects that are planned, implemented and evaluated; and that young workers in unions be engaged, supported, mentored, and given opportunities to lead.**

Introduction

For American workers, labor unions have historically been a ticket to the middle class. Through negotiating higher wages and benefits, unions achieved high standards and protections that lifted exploited workers out of poverty. However today unions are on the defensive, facing a myriad of challenges that are driving standards down, related to changes in the economy, politics, and demographic shifts in the workforce. Unfortunately many unions have been late to adapt to the changing environment, which has led to the unfortunate image of union leaders as being “pale, male, and stale.” How unions change this image and transform themselves to meet these challenges may well determine their survival and growth into the 21st century.

Perhaps the most significant demographic change in the workforce in the past 50 years is the presence of women, who very soon will outnumber men among those who work outside the home. Women bring different issues and priorities to the workplace: they are paid less than their male counterparts and are more likely to take a “non-linear” career path due to family responsibilities.ⁱ Though men are increasingly taking on family responsibilities, women are still the primary caregivers,ⁱⁱ and balancing work and family issues is a major concern. One recent study showed that women in unions are much more likely to have job security and benefits that help them balance work and family concerns.ⁱⁱⁱ

Another significant demographic change in the workforce is the presence of young workers. Over 70 percent of those ages 16-34 are part of the civilian labor force,^{iv} on average they earned 10% lower wages in 2007 than they did in 1979 when adjusted for inflation. Only 8.2 percent of young workers belong to unions, compared to 13 percent of all workers, but those who do belong to unions earned 12.4 percent in wages more than their non-union counterparts, in addition to having health insurance and pensions.^v Clearly when young workers join unions they benefit however most unions are only beginning efforts to reach out to young workers, understand their issues, recruit them into their ranks, and promote their leadership. An important start was the recent AFL-CIO Young Workers Summit held in June 2010 where young labor organizers gathered to form a NextUp constituency and called for greater focus and attention to their issues, positions of leadership, as well as “rebranding” of the labor movement to reflect their message and culture.^{vi}

Outside the labor movement, some groups have placed strong emphasis on work and family issues and organizing young workers, and their successes point to important lessons. Community organizations have used work and family issues to win childcare benefits, paid family leave, paid sick leave, and other supports that are now recognized as a key priority by the White House Task Force on Middle Class

Families led by Vice President Joe Biden. And young people have shown that they are enthusiastic and energetic about issues that matter to them, as they energize and mobilize through vast, dynamic online communities that are regularly tapped by commercial, social, and cultural groups, as well as by the Obama presidential campaign. In fact the ability of the internet, social media, and other new technology to connect people to people and people to information, easily and cheaply, has helped to overcome some age-old barriers to organizing and has become one of the most exciting organizing tools of our times.

Given the rise of women and young workers in the workforce, the new issues they bring to the table, and the new methods of organizing they use, how can unions transform themselves to be more responsive, relevant, and effective?

To answer this question, we interviewed 14 union and 9 community organizers, mostly young women, to understand how they currently use new technology and social media tools to organize, and whether they have focused on work and family issues in these efforts. We selected interviewees known to be organizing among young workers, and found that they had developed exciting and creative uses of social media, such as finding co-workers in the same workplace through Facebook and creating a “buzz,” but they stress that these hi-tech tools did not substitute for one-on-one in-person organizing. We also found that the use of work and family issues *per se* to build campaigns was not widespread, but that real issues such as knowing one’s work schedule in advance, voluntary overtime, paid leave, job security, and health care insurance should be recognized as work and family issues. We also found that as union staff young organizers had problems balancing work and family responsibilities themselves. From our interviews we drew an analysis and formulated recommendations that may help unions strengthen their relationships with women and young workers, especially with regard to the use of work and family issues and social media that might ultimately help unions be more successful in organizing.

Background

Women, Work, and Family

According to “*The Three Faces of Work Family Conflict*,” a new report by the Center for American Progress and the Center for WorkLife Law, a staggering 90 percent of American mothers from all economic income levels, “the poor, the professionals and the missing middle,” now report “conflict” in a range of work-family issues.^{vii}

Though men are increasingly contributing to family responsibilities, women still provide more than their fair share of caregiving responsibilities at home.^{viii} Sixty-six percent of all informal caregivers are female, and 37 percent of them care for children and grandchildren under the age of 18. These women will also spend 4.6 years caring for elderly family members.^{ix} Caught between care for the young and elderly, working women aged 30 to their 60s are known today as the “sandwich generation.”

Workplace rules often do not provide flexibility that women need to care for their families. For example 40 percent of women face difficulty getting time off for childcare while 36 percent of men report having difficulty,^x probably because men often do not request time off for childcare. Finding childcare is even more problematic when workers have rotating shifts, do not know their work schedule in advance, or otherwise do not have regular work schedules. Work and family difficulties are compounded when there is only one parent at home. Two-thirds of low income families are now headed by single mothers, who often work at more than one job and have even less time for their families.^{xi}

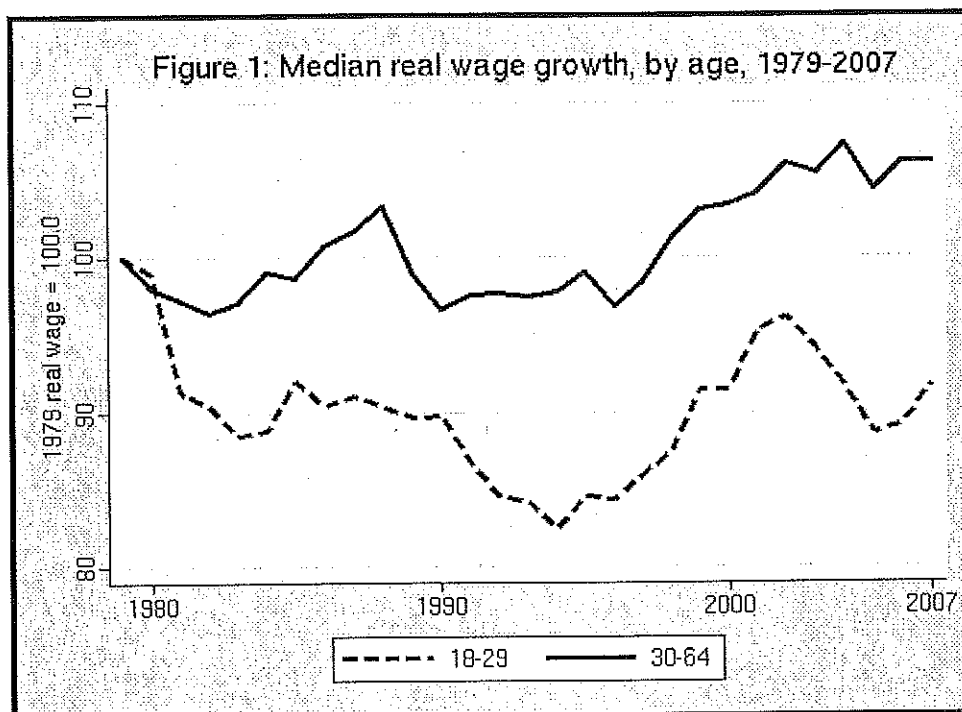
Across the board American workers are finding it difficult to balance work and family responsibilities, and there is widespread desire to have more flexibility in work schedules, paid family leave, and increased child and elder care support.^{xii} Those who belong to unions are more likely to have job security, health insurance that covers the family, various kinds of paid leave, as well as representation to employers and legislators regarding their issues.^{xiii}

Young Workers

In this paper we are defining young workers as those between the ages of 18 and 35, also known as the Millennials (Generation Y) and the younger members of Generation X. Millennials are more ethnically and racially diverse than older generations. They are also more educated, are having children at a later age and are more likely to be single parents.^{xiv}

Real wages for young workers aged 18 to 29 declined by 10% from 1979 to 2007, in contrast to a small wage growth for older workers. According to the Center for Economic Policy Research, even though their educational attainment increased substantially compared to previous generations, wage rates of young workers became vulnerable to the economic and political forces that affected all workers during this period—outsourcing, offshoring, privatization, deregulation, and a decline in unionization. Not only were they affected by these trends, but they were at a disadvantage in competing with older, more experienced workers for the same jobs in a period of high unemployment.^{xv} Often they were hired into a lower tier that has been negotiated as a concession to keep the wages of older workers from falling.^{xvi}

A picture of this shocking decline in real wages for young workers can be seen in comparison to older workers in the table below:



Source: Schmitt, J. (2008). Center for Economic and Policy Research.

Today's young workers not only struggle to earn a living wage in service sector jobs, but they are moving from job to job at high rates of turnover and may work full time and go to school full time—while raising families. Their role as workers has become a “stopgap” to fill the necessities of economic policies that require a mobile pool of low wage workers, which is backed up by a discriminatory and untrue assumption that young workers do not need, nor do they desire, a fair wage.^{xvii}

Young workers are highly likely to demand work family balance and are more open to the concept of unionization. In a recent study, 73 percent worry about balancing professional and personal obligations,^{xviii} and expressed deep fears about raising a family without economic means or health benefits. They value control and flexibility in their lives over climbing the corporate ladder.^{xix} *Fortune* magazine said of Millennials, “when it comes to loyalty, the companies they work for are last on their list—behind their families, their friends, their communities, their co-workers, and, of course, themselves.”^{xx} Young workers also believe that employees are more successful at resolving workplace problems as a group. They want more flexibility, paid family leave and childcare support.^{xxi}

Use of Social Media and Other New Technology

In this section we focus on communication tools that women, young workers, and labor organizers currently use that are considered new technology, like cell phones and the internet, as well as social media programs and technology that enable conversations among communities of people online. Examples of the latter include Facebook, MySpace, Twitter, and so forth.

Women use the internet more than men and are more likely to use the internet to connect with other people and get advice from friends. They also send and receive email, get maps and directions and look for health and medical information online.^{xxii} Eighty-six percent of young women ages 18 to 29 are likely to be online compared to 80 percent of men of the same age. Thirty-eight percent of women go online several times a day and 77 percent have a profile on a social networking site. Surprisingly there do not seem to be significant differences by age, gender or race and ethnicity in Twitter usage among Millennials and Generation X.^{xxiii}

Millennials outpace older Americans in virtually all types of internet and cell phone use. Eighty-seven percent of those ages 18 to 32 use the internet, compared to only 70 percent of Older Boomers (those who are 55 to 63 years old).^{xxiv} Teens and Generation Y are the most likely group to use the internet for entertainment and for communicating with friends and family. This age group is more engaged in social media activities than any other generation; 67 percent of Generation Y use social networking sites, compared to 36 percent of Generation X, 20 percent of Younger Boomers, and 9 percent of Older Boomers. In addition, Millennials are more likely to post and watch videos online. Eighty-eight percent of Millennials send and receive text messages.^{xxv} According to a recent report, "Generation Y takes for granted the pervasiveness of technology in daily life. In fact, professionals in this age group may not recall a time without personal computers, cable television, the internet, cell phones and instant messaging. They spend a significant portion of their time online – socializing, shopping, banking, studying, downloading music, watching movies, playing games, communicating, looking for jobs, researching potential employers and seeking information that will help them build their careers."^{xxvi}

Labor unions are increasingly using new technology and social media. Almost all unions now have websites and use email for internal and external communication. Many union representatives are now provided with cell phones by their employers, and some also have laptops for use in the field. A 2008 survey by Cornell University's Labor Program of 59 international unions as well as the two major union federations, the AFL-CIO and Change to Win, showed that 31 unions (54.1 percent) use Facebook, 18 unions (31.1 percent) use Twitter, and 14 unions (24.6 percent) use YouTube.^{xxvii}

Methodology

We conducted two sets of interviews, one set with union staff engaged in organizing campaigns that might involve young workers or work and family issues, and the other set with organizations that promote a work and family agenda. Our hypothesis was that the use of social media and work and family issues would be stronger among community based groups, since a few of them were founded as internet entities, their staff are proportionately younger, and their organizational cultures tend to be more flexible. We expected that these interviews would lead us to best practices in organizing young workers, including the use of social media, as well as best practices in using work and family issues in labor and community organizing. The interviews were conducted in-person and on the telephone.

In the interviews with union staff we were seeking information about 1) general experience with the use of social media 2) using social media with different age and gender groups, and 3) relevance of work and family issues in organizing campaigns. We interviewed 12 staff from four unions: American Federation of State, County and Municipal Employees (AFSCME), Communication Workers of America (CWA), Service Employees International Union (SEIU), United Food and Commercial Workers (UFCW), and two union affiliated organizations: Working America and the New York Union Child Care Coalition. The respondents were an ethnically diverse group and included two men and ten women. Most respondents were women under the age of 35, were working on organizing campaigns on a local level, and were grappling with how to use social media to support their work. Others had core responsibility for providing communication support to local campaigns (one was providing such support from an international union's headquarters) and had a broader perspective about the current and potential use of social media.

The union interviewees were selected because of their work to organize women, and although their unions did not specifically target young workers they all dealt with a large number of women under 35, except for Working America. Notably, the UFCW organizing targets had the largest number of very young workers—most are under 30 with a substantial number of teenagers.

In the interviews with work and family organizations we sought information about: 1) the organization's target audience—and in particular whether they were targeting women workers under 35, 2) what social media tools the organizations were using and any assessment they may have made of its effectiveness, 3) what work and family issues the organization was targeting, 4) the size of the organization, demographics, geography, etc., and 5) possible interest in partnering with unions around work and family issues. We interviewed staff from the following organizations:

- International Association for Working Mothers/ The National Association For Moms In Business
- Workplace Fairness
- Women Employed
- National Partnership for Women and Families
- MomsRising
- National Organization of Women (NOW)
- New York Jobs with Justice and Jobs with Justice
- Business and Professional Women's Foundation (BPW)
- 9 to 5, National Association of Working Women

Findings

Use of Social Media Among Unions

In general we found from our interviews that experience with the use of social media varied widely, and was particularly useful in organizing young workers. Most union staff used texting and some used YouTube, Facebook or MySpace. Only a few used blogs. Overall those who used social media felt strongly that it provided information and credibility to the union, which in turn created an image of the union being “hip” to young workers. Those who used it in organizing campaigns found that social media helped to create a “buzz” about union organizing, to form organizing committees and to bridge geographic and other barriers. It also allowed workers with family responsibilities to access information and conversations at flexible times. Many organizers expressed the need for support from their union officers for their work on social media. There was a general consensus that use of social media cannot replace face to face organizing but that it is a very important auxiliary tool to connect people to people and people to information. The following are examples of responses about the use of social media:

Information, Credibility, and Image

- an on-line presence enables workers to **check out** the union for themselves
- young workers can **verify** information through social media, as they are accustomed to doing
- social media builds a level of **trust and validity** in our work
- social media helps younger workers see the union as **hip**

Outreach

- texting and YouTube were effective with **all** groups of workers

- YouTube or blast texts got people talking about the union by creating a “**buzz** around the campaign”
- unions should now ask for **cell phone and email** information on union authorization cards; **home phone numbers are practically useless** for contacting young workers
- organizing committees **communicate** through Facebook or blogs and/or texts
- organizers ask target recruits to **become a friend** on Facebook
- workers under 25 were more likely to **relate** to Facebook or MySpace as an organizing tool
- social media and the internet allow people to communicate in **flexible** time, which helps people with family responsibilities by allowing them to work after the family is taken care of
- social networking helps people connect across geography and jurisdictions

Social Media Users Need Union Support

- labor movement must become **skilled** in using these ways of communicating
- organizers need **technical support** from their unions on developing and maintaining social media tools
- frontline organizers need **authority** to respond rapidly, “in time” with messages, without always needing approval from higher authorities

Integration of Social Media with Other Organizing Tools

- Obama’s success was the use of online tools to make **face to face** happen, to get folks to **walk, knock** on doors—**action**

Different types of social media were deemed important for different uses. The following is a sample of responses to questions about what type of media was used for what purpose:

Texting

- Blast texts are effective to quickly **share important news** or to **mobilize workers** to act—i.e. attend a rally which will begin in 15 minutes
- In organizing campaigns it can significantly **reduce isolation and fear** by enabling workers to communicate and support each other even in meetings with employers
- It allows the organizer to **communicate with workers at work** since workers are often unable to answer the phone/make a call
- It can get a **response in 10 seconds**, as people typically respond faster than to texting than to voicemail or email

- It's also an easier and *more comfortable* way for unorganized workers to quickly communicate with their co-workers

YouTube

- It can help promote *communication among workers at fragmented workplaces, shift work, etc.* such as homecare, healthcare, childcare, call centers, etc.
- It can be an effective way for workers to *share their experiences and feelings* in the absence of face to face meetings
- It can help *bring workers' voices to the public, politicians and the traditional media*, especially when workers can't travel because of work or family obligations
- It can be an effective *alternative* to face to face meetings, when face to face meetings are not possible

Facebook

- It can be *easier/quicker* to announce the formation of an organizing committee by posting photos
- It enabled workers to post their own favorite photo, prompting more workers to be *willing to participate*
- Facebook and MySpace can be used to *identify workgroups and leaders* at a worksite
- It enabled organizers to *chart* a large part of the workforce by becoming "friends" of "friends"

Use of Work and Family Issues in Union Campaigns

The respondents in our interviews told us that the issues upon which they based their campaigns were fairly traditional—job security, fairness and respect, wages and health insurance. Work and family issues were not included in the top three issues in any campaign, except for the New York Union Child Care Campaign on paid sick leave. They said that hopes of achieving more economic benefits in contract campaigns were minimal given current economic conditions. Work and family issues as a workplace demand were more common (although not the primary reasons for organizing) among university employees and college educated workers who included issues like clarifying/improving maternity/paternity leave provisions and flexible hours in their reasons for organizing.

However, when queried about what workers' actual interest were, the respondents mentioned that their members and other working parents needed more support for paid family and medical leave, childcare assistance, flexible hours, etc. As one organizer said, "The idea that we could win these types

of benefits from their employer was unfathomable—considering existing conditions—however the vision of a more supportive society was there whenever we had those discussions.”

In fact, every organizer said that work and family issues were major causes of stress for the women they are organizing, whether or not they were framed as work and family issues. Some people mentioned the desire for respect, dignity and fair treatment on the job and gave examples of how mandatory overtime made it impossible to pick children up from childcare, which indicated disrespect and insensitivity to family demands. Workers in the retail industry want to know their schedules far in advance so they can plan childcare and school. The need for paid time off was frequently mentioned in the context of the need to spend more time with family. For low wage workers, inadequate health insurance was a family concern because not having health insurance puts their families at risk, and for single parents job security is a family issue because not having a job means there is no way to pay bills and put food on the table.

We did not ask the organizers whom we interviewed any questions about their own work and family issues, however in the course of our interviews it became clear that union and community organizers face many problems with balancing work and family. This is particularly true in mission-driven organizations like unions that expect staff to work exhaustive hours for “the cause” and tend to downplay individual family concerns. AFSCME organizers mentioned that work and family issues scored high at the “Next Wave” conference for younger members/activists in June 2009.

Use of Social Media Among Work and Family Organizations

Community and advocacy groups focused on work and family issues utilize social media tools to maintain visibility, promote their agendas, build action around their issues, and to direct traffic to their website. They also use these tools reach out to opinion makers and power brokers who might not otherwise be reachable. The social media tools used with the most frequency are Facebook, Twitter and Blogs.

Most of the work and family organizations we surveyed do not specifically target any age group, however different issues attract different age groups. The issues that these groups identified as work and family issues include a broad range of issues that relate to maintaining a healthy balance between work and family such as:

- Affordable Housing
- Discrimination Against Women
- Early Education & Child Care
- Employee Free Choice Act
- Equal Opportunity/Fair Pay Act
- Equal Pay
- Family Medical Leave
- Health Care
- Mitigating the media constructed
"Mommy Wars"
- Paid Parental Leave
- Paid Sick Days
- Pay & Hours
- Pay Equity
- Social Justice
- Solidarity with Striking Workers
- Unemployment Insurance
- Work Family Balance
- Workplace Flexibility
- Workplace Standards

While these groups tend to receive the biggest response from younger women through utilizing social media, the experience of MomsRising, Business and Professional Women (BPW), Workplace Fairness and National Jobs with Justice suggests that the "digital divide" between generations may be narrowing. For example, MomsRising is often reminded by their followers on Facebook and Twitter "not to forget the grandmas" in their advocacy and work.

These groups utilize Facebook to post links to blog articles, publicize their website, promote the release of special reports, raise funds and coordinate events. However, Facebook also gives them the opportunity to engage their followers in a more active type of dialogue that includes both comment and response. The National Organization for Women (NOW) finds using Facebook helpful in providing a forum for various chapters around the country to communicate, coordinate and share information. Both NOW and BPW have also developed Facebook pages corresponding with specific campaigns. In addition, MomRising uses Facebook as a barometer to measure how a particular campaign is going to perform.

These groups use Twitter as a means to communicate with their membership about a topic that may not warrant e-mail coverage, to highlight media coverage, or to make announcements about their blog postings. It serves more as a "bulletin board" where they post information to their followers, but the communication remains one way. However, MomsRising has been able to utilize Twitter as a forum for dialogue and a means to deal with backlash. In a campaign operating around last Halloween, MomsRising posted images that included babies with bottles. These photos led to a backlash from the breastfeeding community. Tweets allowed them to address concerns and communicate with this

group publically and in real time. They also have been able to use Twitter as a tool to find people to fulfill a needed campaign function. For example if they needed a mother in Texas to relay her experience about finding affordable childcare for a newspaper article, they will post the request on their Twitter feed.

Blogs are generally used to broaden the scope of each group's message, to grow their audience and to promote events. BPW in particular uses blogs to address topics that women care about, but which could not be incorporated into their formal website material; like the controversy Michelle Obama stirred by wearing shorts.

The groups have utilized YouTube to a far lesser extent, but have used it successfully to promote tools like instructional videos on how to call a legislator, for member driven video contests or videos of testimony representatives delivered by members of their organization before various legislative bodies. MySpace was one of the first social media tools these groups adapted, but it is not utilized much anymore. However it was used in the past successfully to build campaign support. There was also discussion of using the following tools either currently or in the future: Ping, Delicious, text-message blasting, Picassa, Google reader, LinkedIn, Flickr and Friend Feed.

At this point many of the groups have used social media only sporadically, however they feel that its utilization is vital to their organizations future and ability to capture a new generation of supporters. It seems that the organizations that either began as an online movement like MomsRising and Workplace Fairness or are willing to devote resources to developing social media tools like BPW have had more success in their social media campaigns.

The constant maintenance of social media sites and the substantial staff time that must be devoted to it has prevented many groups from participating fully in its utilization. Also the informal, rapid response nature of social media, doesn't work as well in an environment where there is a rigid and formal vetting/approval process for messaging. All groups indicate that social media is just one of the tools in their toolkit, but an increasingly important one.

The integration of social networking sites with more traditional means of mobilizing has ultimately been beneficial to the various groups. It has been their experience that individuals not inclined to react to one mode of outreach are likely to respond to the other. As a result of adapting social networking as

an outreach/mobilizing tool, the organizations have been able to supplement their existing base of individuals/activists. Social media presents groups with an opportunity to reach a younger generation and speak to them in a way that could garner their support and motivate them to take action.

Social media allows an organization to respond rapidly to changing situations more effectively than traditional methods. It also can be more cost effective than printed communication, however organizations still find that traditional forms of communication are more effective in sharing content. Traditional methods of communication are still the best ways of soliciting donor support, but social media has great potential in creating the environment for getting supporters to take action.

Social media tools provide a good forum through which a geographically dispersed membership can keep in touch and advance their agenda for change. They can simplify the process of communication and let local chapters cater to their regional needs, while preserving uniformity and continuity in messaging.

Future Relationships

All the union respondents said that they would be interested in finding out more about how other unions are using social media for organizing and also connecting with other organizations who are conducting campaigns around work and family issues using social media.

All the work and family groups interviewed indicated (with enthusiasm) their interest in partnering with unions. Additionally most of the groups said that they already collaborate with unions and that labor has always played a key role in advancing their core issues and making their advocacy goals become a reality.

It seems that unions could benefit greatly from collaborating with groups that are pioneers in this movement like MomsRising. At last count MomsRising had over 1 million members around the country and has been a model for launching social media campaigns, by joining networks dedicated to social media like Progressive Exchange, Organizing 2.0, and Metro NY Labor Communications Council and attending conferences on social media like the "Unconference" by Nonprofit 2.0 in June 2010.

Analysis

Though 90 percent of women report work and family conflict, the organizers we interviewed reported that unions rarely prioritize work and family issues because the women they represent have basic needs such as higher income, benefits, job security, and decent treatment. This incongruity could be a sign that unions remain entrenched in a paradigm based on negotiating bread and butter issues, and continue to be averse to taking on social issues and building social unionism. And/or, it could be a sign that the framing of work and family issues is perhaps too narrowly focused on special interests, making them seem marginal, dispensable or extra items at the bargaining table rather than being core and fundamental. The opportunity to strike a chord on work and family issues is evident: the facts show that unionized women get a work family premium and our interviews show that workers care about work and family issues. If unions placed work and family needs as priorities, potential for connecting with women workers and organizing them might be greatly enhanced.

There is also a tremendous opportunity to organize young workers, but addressing their needs will not only require higher priorities at the bargaining table, it will also require a substantial shift in union culture. Young workers are often turned off by established union cultures that do not reflect who they are and what they are want, and unless unions transform themselves, young workers will not look to unions as a solution to their issues. Among these young workers are young union staff who have joined the labor movement and made a commitment to work hard because they believe in social justice. As the AFL-CIO Young Workers Summit revealed, they are idealistic and dedicated to the labor movement, and work very hard. They are the future leaders of our movement, and deserve support.

Concern about work and family imbalance is actually increasing among young workers. Women certainly reported problems with child care, paid family leave, maternity benefits, and elder care since they began to work outside the home in large numbers. But young workers today are even more concerned with work life balance. This may be because new technology allows people to be in touch with work 24/7, allowing us to check email and work at home after work, be in touch with collaborators in foreign time zones in the middle of the night, and mix work friends with personal friends on social networking sites. It expands the blur between work and family, which then intensifies the tension balancing both work and family. Even among workers who don't yet have families there is a fear that they won't be able to control how much work they do and will not have quality time for themselves.

Non-profit organizations have largely been carrying the water on work and family issues. Typically small and not well-financed, these groups have struggled to advocate for work and family issues in legislation and public policy where unions have been ambivalent or not taken the lead. Thanks largely to these non-profits, we have higher paid childcare workers, paid family leave, paid sick leave, and other improved conditions. The supports that these independent organizations have brought to working women are very valuable and could be strengthened with closer collaboration with labor unions.

Not-profit organizations have also pioneered the use of new technology and social media to organize, demonstrating that social media can be used to influence public opinion, mobilize support, generate funds, and communicate in real time. They have also taught us that there are costs in supporting these new organizing tools, and as unions step up to use social media in organizing they must budget for hardware and software support, as well as establish a system of messaging that allows organizers to respond immediately to workers and the public.

Beyond learning how to utilize the skills of using social media, an important question is how social media can be applied to campaigns, strategically over the long run. For example, how can Facebook and similar sites respond to employer intimidation in a way that shows workers how they will benefit from unionization and unite a community of people to turn the tide in favor of the union? How can social media encourage new voices to be heard, especially young workers, immigrant workers, and other under-represented groups? Can online translation tools help workers who speak different languages communicate with each other? How can social media tools be of use in global labor markets and possibly unite bargaining units that might be located across multiple countries and time zones? Social media provides new and exciting possibilities to some age-old barriers to labor organizing, though precautions should be taken to ensure the security and privacy of workers being organized

Finally, our interviewees clearly cautioned about the limitations of social media, and that it does not and should not replace face-to-face interaction with workers. This sage advice is worth emphasizing. Social media does not take the place of real organizing—it is only a new tool. Ultimately the power of workers will be demonstrated in their unity and collective action.

Recommendations

This study was a very limited foray into the complex area of how women and young organizers use social media for organizing, and how work and family issues should be incorporated. While we have come to a preliminary analysis, much more outreach and investigation should be done to provide firm conclusions. The following are our preliminary recommendations:

1. ***Deepen and broaden dialogue about work and family, young workers, and social media.*** Berger Marks and other progressive labor institutions should provide resources for these issues to be explored in depth.
 - Fund, motivate and support young workers to network and share their concerns, including their own work and family conflict
 - Convene a national summit of work and family advocates in unions and community groups to reframe their issues as core labor issues
 - Challenge and fund unions to incorporate work and family, young workers, and social media into their campaigns
2. ***Pilot use of work and family issues, young worker issues, and social media in organizing campaigns.*** Resources should be made available to labor organizers for planning and implementing campaigns that highlight work and family concerns, young worker issues, and use of social media.
 - Develop training curriculum for organizers on work and family issues in the broad sense
 - Develop training curriculum for organizers on young worker issues
 - Develop training for organizers and the use of social media, and provide them with the technological hardware, software, support, and maintenance to use social media effectively
 - Apply social media strategically to shift public opinion, reduce fear, create a buzz about the union, or otherwise make a difference in the campaign
 - Build alliances between labor and work and family groups and young workers groups both at the campaign level and on a permanent basis
 - Train organizers to have greater responsibility for messaging in the social media
 - Assess, document, and disseminate results of this project widely among labor officers, organizers, educators, workers and the general public
3. ***Promote the leadership of young workers and young organizers***
 - Establish a culture of diversity in unions that includes young workers

- Enable young women organizers to design their own convening and share their issues among themselves and with others
- Mentor and support young women organizers, giving them greater respect, responsibility, and authority
- Affirmatively promote young women organizers to positions of formal leadership whenever possible

4. *Encourage further study and action*

- Commission case studies on the successful use of work and family issues in organizing, young workers, and use of social media/new technology
- Investigate limitations and differences in access among different workers; to understand how income level, sectors, occupations, racial/ethnic background, language, and other demographic factors affect usage and may require difference approaches to organizing
- Investigate ways that unions could bridge access to social media, such as providing the hardware, setting up computer labs and training for members, etc.

Conclusion

If American unions once were the ticket to the middle class for male blue collar workers, our research confirms that this is still the case for women and young workers today. Women and young workers have higher wages when they are in unions. We find that young workers are using social media very creatively to organize, and that all workers care about work and family issues even if they don't necessarily frame their priorities in this way.

Our research showed some very specific ways that young organizers are now using new technology and social media successfully. Internet sites provide basic information about the union and lend credibility to it that young workers expect. Cell phones are the main mode of phone contact, not home phones. Social media can connect people by bringing together workers across shifts and geographical divides, charting the workplace through making "friends," making the organizing committee public, and keeping in touch with workers during employer meetings. These sites, along with blogs, can also be used to share ideas, dialogue, and debate. Texting and other forms of real-time communication give immediate information and feedback, and can remind people to take action. YouTube can be used as a way of expressing thoughts to co-workers, employers, legislators, or the general public when the speaker cannot appear in person. These tools can link people to others as well as to issues and ideas, but new technology and social media should not take the place of personal contact with workers.

The immediate challenge for unions will be how to provide organizers with these tools, the skills to use them and the budget to maintain them. The longer range challenge will be how unions use these tools strategically to neutralize employer opposition and win worker support, integrate new technology and social media with face-to-face organizing, and create a new union culture that is attractive to young workers.

Our research also showed that work and family issues are highly important to women workers, but these issues are not considered priorities at most bargaining tables. Upon further probing, it became clear that issues like job security, health benefits, work scheduling and other commonly recognized core bargaining topics actually relate to work and family issues. In addition, young workers today are even more concerned about work/life balance than previous generations. Therefore an effort should be made to reframe work and family issues as core labor issues. Community groups that focus on work and family issues have supported a broad set of labor issues like health care and employee free choice, and greater linkages with unions would mean stronger advocacy for work and family issues.

We also found that young women organizers themselves have problems balancing work and family concerns, and though our research did not focus on them, they are the Next Wave and NextUp leaders of the labor movement and further research and dialogue is needed to document their concerns.

We recommend that unions and funders advance the dialogue around work and family issues and young workers by bringing together workers and organizers to broaden the exchange and form deeper links. The AFL-CIO has recently begun an initiative to do this with young workers, but it is also important for work and family advocates, especially in light of the need to rethink work and family framing as core issues. We also suggest that unions begin to include work and family and young workers in their campaign plans, and experiment with the use of social media through pilot projects that are planned, implemented and evaluated. While these projects necessitate an investment of resources and organizational support, they can demonstrate how organizational change around these issues can be implemented. Well documented efforts with young workers, work and family and social media in organizing can be a useful reference for labor leaders, organizers, and policy advocates. Finally, we strongly recommend that young workers in unions be engaged, supported, mentored, and given opportunities to lead. The young organizers we interviewed are intelligent, creative, and dedicated. They and their cohorts are the future of the labor movement, and they need our support.

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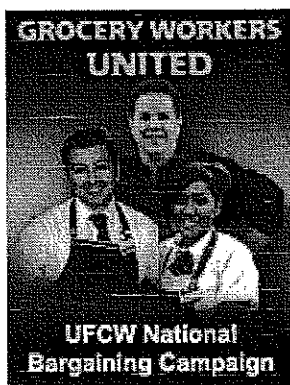
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Attention all current UFCW Local 1459 members |
 Guide to Organizing a Union | Organizing: It Pays! |
 Print an Authorization Card | Your Legal Right to Organize

Print an Authorization Card

Submitted by **superuser** on December 2, 2007 - 3:21pm.

When you and your coworkers sign authorization cards, you are expressing your desire to become a member of UFCW Local 1459. It's important to understand that when you sign an authorization card, you are **not joining the UFCW**. You are only **expressing your desire**

Interested in joining a Union?

Call us toll free:
 1-800-332-9699 ext. 14

to join the UFCW. You will not become a member of the UFCW until a) the company decides to recognize the union or b) a majority of the workers vote to join the UFCW in a secret ballot election.

Desiring to enjoy the rights and benefits of collective bargaining, I hereby authorize the United Food & Commercial Workers International Union, AFL-CIO-CLC, or its chartered Local Union(s) to represent me for the purpose of collective bargaining.

Print Name	Date	Signature
Home Phone	Home Address	City, State, Zip
Employer's Name	Employer's Address	Your Hire Date
Type of Work Performed	Department	Hourly Rate
	I work: List your days off: <input type="checkbox"/> Day Shift <input type="checkbox"/> Night Shift <input type="checkbox"/> Part-time <input type="checkbox"/> Full-time	Would you participate in an organizing committee? <input type="checkbox"/> Yes <input type="checkbox"/> No
E-mail address		

Mail this authorization form to UFCW Local 1459 at:

UFCW Local 1459, AFL-CIO
 33 Eastland Street
 Springfield, Massachusetts 01109

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413-732-6209
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D

Internet Social Networking and Blogging Policy for Employees

Social media have become an extremely important communications channel. This technology, and the capabilities of the World Wide Web, blurs the line between personal and professional communications. While this creates new opportunities for communications and collaboration, it also creates new responsibilities for individuals. Posted material can, when matched with an identity or photograph, reflect not only on the individual, but also on that individual's employer, clients, associates and profession. When you participate in social networking or use social media, use common sense and good judgment when posting or sharing material. There may be consequences that can include, among other issues, negative publicity, regulatory attention and confidentiality or copyright concerns. This policy is not meant to infringe on your personal interaction or commentary online, inasmuch as it does not pertain to [COMPANY] or create a negative image for the Company, its employees, clients, vendors and other such parties.

You should also understand that any posted material will be available on the Internet indefinitely—it is virtually impossible to recall or permanently or completely delete material once posted. The overall goal of social media participation from a business perspective is one of adding value and providing worthwhile information and perspectives. The Company's brand is best represented by our people; what you post may reflect on our brand whether you intend for it to or not.

In general, [COMPANY] views social networking sites (e.g., MySpace, Facebook), personal Web sites, and Blogs positively and respects the right of employees to use them as a medium of self-expression. However, an employee who chooses to use such social networking site should not identify himself or herself as an employee of [COMPANY] or any of its affiliates on such Internet venues because some readers of such websites or blogs may view the employee as a representative or spokesperson of [COMPANY] or its affiliates or, depending on the content of the website or blog, may view the Company, its employees, and its affiliates negatively. In addition to the foregoing, [COMPANY] requires that employees observe the following guidelines:

1. Employees must be respectful in all communications and blogs. Employees should not use obscenities, profanity, or vulgar language.
2. Employees must not use blogs or personal websites to disparage the [COMPANY], its employees, its clients, vendors and other such parties.
3. Employees must not use blogs or personal websites to disclose any confidential information of [COMPANY], its current, former or prospective clients, consumers, contacts, business partners, service recipients, vendors, its employees or its affiliates.
4. Employees must not use blogs or personal websites to harass, bully, or intimidate other employees. Behaviors that constitute harassment and bullying include, but are not limited to, comments that are derogatory with respect to age, race, religion, gender, sexual orientation, color, or disability; sexually suggestive, humiliating, or demeaning comments; and threats to stalk, haze, or physically injure another employee.

5. Employees must not use blogs or personal web sites to discuss engaging in conduct that is prohibited by Company policies and MERIT principles, including, but not limited to, the improper or illegal use of alcohol and drugs, sexual behavior and sexual harassment, and bullying.
6. Employees must not post pictures of employees, staff members, or clients, consumers, contacts, business partners, service recipients on a web site without obtaining written permission. Employees should be aware that pictures posted on a web site are often available for viewing by third parties and could be considered detrimental to the Company and its character and reputation and that of its employees.
7. The use of any copyrighted [COMPANY] name or logo is not allowed without written permission.

Any employee found to be in violation of any portion of this Social Networking and Blogging Policy will be subject to immediate disciplinary action, up to and including termination of employment.

[ADDITIONAL OPTIONAL LANGUAGE]

[COMPANY] requires that employees observe the following guidelines:

1) You are responsible for what you post. Even if your employment with the Company is not explicitly stated when using a social media site, your use of the site reflects on the Company. Represent yourself and the Company well. Be professional, respectful, discreet and authentic. Remember that you can't control what happens to your content once you hit "update."

Employees and attorneys should not use obscenities, profanity, or vulgar language nor should they engage in threatening or racially/ethnically hateful behavior online or make defamatory or offensive statements under an identity that can be tied to your employment with the Company. This includes any posting under a screen name behind which is a profile – even if "private" – that includes your actual identity, whether or not that profile itself identifies you as an employee of the Company.

2) For non-business participation on social media sites, you must use a personal e-mail address and must not attribute to or imply personal opinions or statements are endorsed or supported by the Company. If you choose to list your work affiliation on a social network, then you should regard all communication on that network as you would in a professional network. Online lives are ultimately linked, whether or not you choose to mention the Company in your personal online networking activity. If you identify yourself as being affiliated with [COMPANY], you must state that entries are your personal opinion and do not represent the position of the Company. If you extol the virtues of the Company on a social media site, you must identify yourself as having an affiliation with the Company.

3) When participating in social networking sites in a professional context and when writing personal blogs, make an explicit statement that the views expressed by the author represent the author's alone and do not represent the views of the Company. Write or speak in the first person to help identify that you speak for yourself and not the Company.

4) Employees must not use social media to disparage the Company, its employees, clients, competitors or vendors.

5) Employees must not use social media to disclose any confidential or proprietary information of the Company or its clients, including financial information. Honor the terms of your contracts with the Company and contracts we have with any client. Employees must at all times keep client matters confidential and must not discuss ANY client-related business via social media, from identification of clients to discussion of their matters. Employees should also refrain from commenting on the business or practices of any Company client. Any such discussion will be considered a serious violation of the Company's social media policy.

6) Employees must not use social media to harass, bully or intimidate other employees. Behaviors that constitute harassment and bullying include, but are not limited to, comments that are derogatory with respect to race, religion, gender, sexual orientation, color, or disability; sexually suggestive, humiliating, or demeaning comments; and threats to stalk, haze, or physically injure another employee.

7) Employees must not use social media to discuss engaging in conduct that is prohibited by Company policies, including, but not limited to, the improper or illegal use of alcohol and drugs, sexual behavior and sexual harassment and bullying.

8) Follow the rules of privacy/confidentiality.

9) Employees should comply with any applicable state and federal, trademark, copyright and other intellectual property laws. The use of any copyrighted Company name or logo is not allowed without written permission.

10) Do not give advice or form client relationships when using social media. The Company's standard intake procedures should be used to avoid conflict or other ethical problems.

11) Employees must not post pictures of or comments made by employees or clients on a website without obtaining permission. Employees should be aware that pictures posted on a web site are often available for viewing by third parties and could be considered detrimental to the Company and its character and reputation and that of its employees. Therefore, employees are cautioned to review their privacy settings on the various social media sites they use.

12) Never be false and misleading in your online credentials. Maintain complete accuracy in all online bios and ensure there is no embellishment. For example – a employee attends a conference at Harvard for a weekend and states in his/her bio - "Harvard trained" - this is inaccurate and noncompliant. Use the words "expert" or "specialized" very sparingly and only when such claims can be substantiated and are approved for usage by the appropriate association.

13) Follow the terms and conditions of use that have been established by each site or application used for your social networking activities.

14) If a member of the news media contacts you about an Internet posting that concerns the Company's or a client's business, treat it as any other media inquiry, and do not respond to them directly. Please refer that person to your supervisor.

15) If a negative post or comment is found online about the Company, a client or you in a business context, do not counter with another negative post. You should seek assistance from the marketing department before forming a response, if one is warranted. If you are uncertain about any post on a social media site, contact the marketing department for additional guidance.

16) Violation of this policy may result in disciplinary action up to and including termination.

Personal Blogs

Employees should feel free to create and maintain their own personal blogs, keeping in mind the rules and guidelines contained in this policy. However, while a blog itself is not subject to state or federal regulations governing advertising for a product or service, the content of a blog can be. For any business-related blog, the content must be informative only, and nothing in the content should propose a commercial transaction or be for the purpose of directly gaining a commercial transaction. The threshold question to ask is – does the content articulate commercial speech (i.e., attempting to sell services) in any way? If so, it's likely that it will be subject to state rules.

If you have a personal blog that mentions your employment or have a blog that discusses industry issues, your personal blog must contain a disclaimer that all content is solely the personal opinion of the author and is not endorsed by the Company with the following language: *The information and opinions expressed herein are solely the work and opinion of the author, and do not represent the position of [COMPANY].*

Company Social Media Accounts

The Company is currently expanding the use of social media for marketing purposes. These current and future accounts and profiles may include, but are not limited to blogs, LinkedIn, Twitter and Facebook. No employee may create a social media account on behalf of the Company, nor can they act on behalf of [COMPANY] through any online channels, including social media and social networking, without the express consent of the Company.

Company Blogs

Company blogs, as with all Company publications, are overseen or approved through the marketing department and/or the President of the Company. Employees are not permitted to make comments on Company blogs that disagree with the blog author's position or make posts that could be considered inappropriate or detrimental to the Company and its reputation. Comments are monitored, and the Company reserves the right to not publish any comment for any reason.

LinkedIn

Employees may and are encouraged to be active in their own personal LinkedIn accounts for personal and professional development reasons. However, only the marketing department may alter the Company's overall LinkedIn profile. If you have questions or concerns about the [COMPANY] LinkedIn profile, please contact your supervisor.

If you are connected on LinkedIn to a [COMPANY] employee who then leaves the Company for a competitor, it is wise to disconnect from that person after his or her departure so he or she no longer has LinkedIn access to your current clients, prospects and other connected contacts.

Twitter

The Company has reserved an overall Company Twitter account. Marketing is in control of tweets coming from this account, which is used for disseminating [COMPANY] and industry news, as well as for interacting with the media. If you have suggestions for tweets, we encourage you to contact your supervisor to discuss potential content. We welcome thoughts on industry happenings that our clients, potential clients, the media and other parties might be interested in. If you have found an interesting article or see a new workplace legal trend, please contact her to discuss how the Company might share this via Twitter. You are encouraged to re-tweet tweets from the Company's Twitter account *so long as your personal Twitter account and its content conforms to the rules and guidelines in this document.*

Facebook

The Company has also established a Company Facebook page for sharing news on Company events and happenings and interacting with clients and other interested parties. Comments are not currently allowed, but may be allowed in the future. Please feel free to "share" events and posts from the Company's official Facebook page to your own personal Facebook page and network, if you would like, *so long as your personal profile follows the rules and guidelines in this document.* We encourage staff to "suggest" the Company Facebook page to clients who are already in your social media networks to alert them of our new page, and you are encouraged to "like" posts on the Company's Facebook page as well.