

As initially passed, the National Labor Relations Act strongly favored unions and took considerable steps to protect employees from abuse by employers. In amending the NLRA, the Labor Management Reporting Act (Taft-Hartley) took a more balanced approach to protecting the rights of individual

DECERTIFICATION

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and honest in your dealings with the union. Above all, as advised by Robert Townsend in the opening quotation, be open and honest in your dealings with the union. The presence of a union does not mean you can back off in your communications with employees and simply wave the contract at them. Complete two-way communication remains essential in establishing and maintaining your relationships with all your employees whether you do or do not have a union. After all, your employees work for the institution, not for the union. Generally the union will be the employees' voice only if the employees feel they are not recognized as individuals and are not being heard by management.

IF THE UNION WINS

Shortly after the union is certified as a recognized bargaining unit, an initial contract will be negotiated. This gives supervisors a whole new set of rules and regulations to live with. Learn the contract inside out—learn what it says, learn what it does not say, and learn why it says what it says—and comply with it faithfully. Some contracts seem top-heavy with numerous details and exacting requirements, but you may find that some parts of your job are actually easier because there are now hard and fast rules for situations that were previously subject to interpretation and judgment.

Even if a single unit of employees is lost to a union (for instance, a union representing service and maintenance employees or one representing only licensed practical nurses), then new steps aimed at creating positive communicating relationships can still pay off. A new atmosphere can make contract bargaining easier, smooth out day-to-day labor relations matters, and help keep other bargaining units out of the institution.

Keep in mind, however, that some elections are little more than formalities—many elections are lost long before the organizers ever show up. If the trend in relations between employees and management is clearly in the direction of a union, this can be difficult to reverse. Reversal may, however, be accomplished through hard work and plenty of open and honest communication.

employees from abuse by both employers and unions. Taft-Hartley made it possible for employees to get out from under a union that no longer seemed to serve their purposes or be acting in their best interests. This change allowed employees to remove a union when its leaders failed to meet membership expectations through a process called decertification.

A petition for decertification cannot be filed within a union's first year (its "certification year"). A newly chosen union is given this period to negotiate a contract and demonstrate what it can do for its members. A bargaining unit is allowed only one representation election within any 12-month period.

Management cannot be involved in initiating a move toward decertification. In particular, managers cannot volunteer information to employees about how decertification can be accomplished. They cannot tell employees that they would be treated better without the union nor can they suggest that employees generate a petition to decertify a union. Finally, supervisors must avoid behaving in a manner that is intended to encourage employees to seek decertification.

During the initiation stage, management is legally permitted only to respond to employee questions about decertification. Supervisors cannot include any encouragement to pursue decertification or any unsolicited advice on how to go about doing so.

Should a decertification effort reach the petition stage, the employer can still do little more than respond to employee questions. At this stage, however, some responses can be more specific and helpful. For instance, management can direct employees to appropriate authorities at the National Labor Relations Board and can provide additional information about the decertification process as long as doing so is in direct response to employee inquiries. However, this is assistance at a minimal level because management is still forbidden to help with the wording of a petition, or allow the petition to be transmitted on the organization's letterhead. Managers cannot allow employees to solicit petition signatures during working hours, or provide space for signing to occur. Management cannot provide time off for an employee to file the petition.

Once a decertification petition is filed and a decertification election campaign officially begins, management has options for its activities. Management is allowed to express its views about the presence of a union. However, these views cannot include direct or implied threats of reprisals for retaining the union or promises of rewards for removing it. At this stage of a decertification campaign, management may communicate its views to employees by letter or give comparisons of wages and benefits of union and nonunion workers to employees. They may hold meetings with employees, provided that attendance is voluntary.

Two important limitations exist. Management may not interfere with the right of employees to choose between decertification or not. Neither promises nor threats that could upset the conditions under which employees are to choose may be made.

You are the central supply supervisor in a hospital pr
organizing pressure. The union's drive has reached th
cards. You are passing through one of the nursing units
individual who you believe is a union organizer backin
aides into a corner and waving what appears to be a union
The aide looks worried and in considerable distress an
physically trapped in the corner by the other party. You c
person with the card is saying, but you believe you recog
this person is waving and you can tell this person is spea

CASE: THE ORGANIZER

10. Why might some supervisors believe it can sometin
age their groups with a union in place?
9. The chapter suggests that first-line supervisors are
in countering a union organizing effort; if so, why is
zations exclude these supervisors from counter-orga
8. Why do you suppose that signing a union authoriz
be considered a vote in favor of having a union?
7. One of your employees voluntarily tells you about
union meeting to which he had been invited. What
information?
6. How are you going to answer the long-time emp
"Should I vote for or against this union?"
5. Why can a union legally promise unorganized em
representatives wish to promise to induce people
but the organization's management cannot legally
induce employees to reject the union?
4. Leafleting may be the first visible sign of union int
zation's employees. Is anything likely to have occur
and if so, what?
3. Why do you believe organizing within health care
while union membership overall has declined?
2. In a union-organizing situation why might some st
thetic toward employees as opposed to remain
management?
1. Why do most union demands seem to revolve arou
when we know there are a variety of reasons that
to seek representation?

QUESTIONS FOR REVIEW AND DISCU

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Describe what you would do under the following sets of

1. You recognize the probable organizer as an employee belonging to a department other than your own.
2. You are reasonably certain the probable organizer is the hospital.

NOTES

1. The Associated Press, "Public Support Grows for Unions," Democrat (NY), 30 August 2001.
2. F. Cerne, "Job Security Topped Employee Concerns in 1987," Hospital