

Technology in the workplace and labor unions

I. Introduction - Identify what is new technology and its impact on economy, country, society

I. Impact of technology on union activities

A. Impact of technology on union organizing

B. Impact of technology on bargaining

C. Impact of technology on union contract administration

II. Use of company e-mail in union activities

A. NLRB decision in the Guard Publishing Co. (Register Guard), 351 NLRB 1110 (2007 case)

B. NLRB decision in the Purple Communications, Inc., 361 NLRB No. 126(2014) case

overruled in Purple Communications

III. Impact of union organizing on information confidentiality

A. NLRB's new ambush selection standards

B. NLRB's new directives on the access to confidential information by unions

IV. Conclusion: What do you believe are the best rules and why.

Note: If you need other areas to include in paper you might want to consider the impact of social media - as we discussed in class - Facebook, tweets, etc.

Have you found any law review articles - this will make your job easier!

You might check with law school librarian (Amy) - she can help a lot.

Use your own
WORDS

The impact of technology on the union organizing, bargaining and contract administration process

Where did this come from?

Technological modernization conventionally was driven by employer aspiration to direct the work procedure, the competitive requirement to decrease production fees and the aspiration to broaden profit limits. In those enterprises domineered by one or several companies, the aspiration for employee control might have been the deeper aim; in those enterprises typified by big numbers of price aggressive companies, the urge to decrease expenses would have been predominant. In whatever case, there were deep and direct aims for proprietors to assume labor preserving technology. F_n - Footnote

The initiation of technology is growing presently in the business world that mixes industrialized focus and aggressive product market rivalry. Rivalry in technology ^{includes} comprises of some of the country's largest companies; firms that have the materials to technologize faster than most of the rest. As one company assumes technical inventions the rest must either follow in their footsteps or surrender from the battle¹. The speed of technological advancement is therefore heightened. It is probable, for this reason that the prevailing automation foreseen for years will now show up basically all of a sudden, with both employees and end users not prepared for the degree of the alteration.

? no sense

What studies?

The effect of technology on employees varies build upon the enterprise, company, workplace and the assignment. Studies show sequences of general significance of labor for instance the stream of job extermination which is probably to associate with new industrialized procedures. F_n In the telecommunications and type-setting industries, two conventional

¹ R Avent "The third great wave" (2014) *The Economist Special Report. The World Economy* October 4th 1-2

It almost seems like this is copied from someplace - use your own words!

development commercial enterprises, will definitely experience job deficits for the first time. ^{En} On the other hand, the number of assignments in the service commercial enterprises might not be adequate enough to give employment for employees dislodged from other segments. ^{En} New jobs will be established by technology is possibly correct, but the amount and forms of positions and who will be employed is still not clear.

where does this come from

For employees who maintain their assignments or are dislodged by computers and other machinery but get new assignments, the effect of technology may be most probably that their assignment become deskilled made easy, devaluated and less satisfying. Individuals who carried out professional work will now generally hand over materials into appliances or even worse, kill their time supervising machines function, prepared to take action only in the case of an emergency².

first time you mentioned unions

Are these your words or copied? En.

Reduction of needed abilities by reason causes employers to stress unions and employees to approve decreased salary rates. Company demands for assent at the bargaining table not only indicate labor's diminishing dominance, but absurdly, may also fasten technological advancement. For instance, autoworker assents, given in the midst of salient economic bad times and heightened foreign perforation of inland markets, might as a matter of fact, assist in opening doors for a huge admittance of robots. In that event, even when resumption does happen, the business may go through big and long-lasting job deficits; and the labor union's collective bargaining ability might never be totally reestablished.

what does this mean?

Your words?

In the middle of this technology caused confrontations to its collective bargaining ability, labor might also have to contest with proprietors who are more adjustable and deceptive.

² D Lewin and PJ Gollan. *Advances in industrial and labor relations*. (2012) Vol 20: 57-9

Telecommunications and fresh data processing appliances permits companies to shift work nearly like nothing from one perspective to another in reaction to labor union impositions. Consolidated company control of divergent, far reaching, mostly intercontinental businesses puts forward a deep confrontation to labor when it is mixed with mechanical advancement³.

In response to this, labor unions seek other avenues of safeguarding employees against job disintegration. At the bargaining table, it attempts to gain affirmations that outsourcing will be reduced and inland game plan's kept open. It negotiates salary continuance, assignment privileges and anti-sublet prerequisites, on an organization wide foundation. Joint labor union management commissions in every one of the different segments take care of technological and job problems at that stage. Auxiliary unions are reacting to the adjustment in bargaining adversaries coming from escalating company concentration in their enterprises by institutional mergers which empower their bargaining stand.

On top of collective bargaining, unions also realize that fresh organizing is an important reaction to environmental confrontations. Applicable technology covenants that safeguard employee assignment privileges are best bargained in enterprises where a large degree if unionization grants employees bargaining advantage. Due to the fact that fast technological advancements advances job deficiencies nearly in all directions, labor requires organizing in each organization. Amazingly, technology may be a good drive in this regard directing some employees to labor unions for the first time.

The major question I have is are these your words or is this material copied largely from some other source? Take the sources, read them and use your own words. If necessary use footnotes. I want your research paper -

³ JM Jordan. *Information technology, and the future of commerce: resources for growth in a connected world.* (2012) 10-12

not someone else's!! Good footnotes and sources but use your own words and arguments.

more specific - too general

Need introduction - what are you discussing / what is paper about

Issues have arisen as to how to treat the use of employee e-mails during organizing efforts.

Register - Guard

In Register Guard¹ the committee had upheld that workers have no judicial privilege to use their proprietor's e-mail set up for ^{Section} segment 7 reasons. ^{Section} Segment 7 of the ^{National Labor Relations Act} federal labor associations' code grants workers the privilege to ^{Right} ^{Join} scheme, associate with or help unions and to participate in other agreed upon actions for collective benefit and security. ^{Section} Segment 7 safeguards actions on account of an association of workers that could be made up of assessment of an organization's policies and processes or its administration, or other specifications and stipulations of employment. In a distinctly disunited 3-2 conclusion, the ^{Majority} greater number held upon the fact that Register Guard inappropriately raised asset rights of proprietors over workers' rights. The ^{Board} commission ascertained that emails in the company are an avenue for workers to appropriately converse with each other at the office in connection with labor union organization and other specifications and stipulations of employment.

The issue came up after a labor union crusade. The communication employees of America were the losers in a union ^{Purple Communications} selection and put on file ^{Communication Workers of America} election declinations and an unjust labor convention complaint disputing the organization's electronic communications polity. The polity indicated in part that the organization's data processor and email setup should be utilized for commercial reasons only. The foundation of the communication employees of America was that the polity was illegal on its side.

¹ Guard Publishing Co. (Register Guard), 351 NLRB 1110 (2007) (Concerns the employers right to restrict employee use of company e-mail to prohibit union related communications)

Board

The commission ascertained that worker utilization of email for rightfully safeguarded communications on nonfunctioning time must be ³circumstantially be approved by employers who have decided to grant workers entry to their email setups. The ^{Board}committee indicated that its conclusion was precisely restricted. Mainly, it is applicable only to workers who have for the time being been given entry to proprietor's email setup in the duration of their assignment and does not need employers to give such entry. Secondly, a proprietor can clarify a complete injunction on non-assignment utilization of email, by indicating that special situations make the injunction appropriate to preserve reproduction or conduct.

Board members dissent

majority incorrect

The two legislators wrote disaccords indicating why they regard the ^{Member}conclusion ^{started}illegally regarded, impracticable and illegal. Associate Miscimarra attested that restricting use of a proprietor's email setup is not an irrational deterrent to worker's enjoyment of privileges below the NLRA². He indicated that provided the scope and utilization of email setups in most organizations, it will make it very hard, if not impracticable, to establish if or what communications breach legal limitations against requisition in the course of assignment time.

Member

Associate Johnson cautioned that is highly ignorant to assume that significant amounts of assignment time, in the totality, will not be used up on these conversations, on a foundation that is basically unsupervised by the proprietor. He also brought up a ^{Board}first ^{owner}amendment debate that the committee currently requires a proprietor to invest in its workers to openly disrespect its business conventions, services, commodities, administration and auxiliary workers on its personal email.

cite to case Purple Comm -

² National Labor Relations Act of 1935 (49 Stat. 449) 29 U.S.C 151-169 (Guarantees employees the right to unionize and advance their interests. It is unlawful for an employer to restrain this right)

majority

You finally name
case - should have
done earlier

The greater number view in Purple Communications brings about many issues and gives inadequate direction for ^{employers} proprietors; the ^{Board} committee indicated that it would be an uncommon instance where exceptional situations stand up for a complete restriction on non-assignment email utilization by workers³. The conclusion allows workers to offer evenly and constantly imposed checks over its email setup with the intention of preserving productivity and good conduct. Workers are now allowed to use a ^{employees} proprietor's email setup on ^{work} non-assignment time; that would comprise of prior and afterwards hours, within coffee breaks and at lunch time. Most workers have many shifts and various regions beyond time regions. This means that emails are most likely to be read if not replied to in the course of the recipient worker's time. ✓

Employers

Proprietors have the privilege to supervise emails on their data processors. But the NLRA⁴ restricts illegal supervision of ^{Section} ~~segment~~ ^S 7 safeguarded agreed upon actions. In legal ^{employees} supervising emails, proprietors must make sure that they do not particularly aim at labor union or auxiliary worker safeguarded action. It is not defined what impact the conclusion will have on workers' non-requisition and non-dispensation policies. The ^{Board} committee ascertained that it does not find it applicable to deal with email conversations as either requisitions or dispensation. On the contrary, it will be based on the constitution and subject matter. There surely will be boundary description and workers might be trained by labor unions or legal advisers with reference to what to talk about in emails to prevent breaching of a policy.

This conclusion together with fresh election processes will make it harder for a proprietor to triumph over a labor union putting in order a crusade. The conclusion will probably lead to unjust labor convention charge prosecutions for years as the framework of these new privileges

³ Purple Communications, Inc., 361 NLRB No. 126(2014) (NLRB's decision on employers policies restricting employee email use)

⁴ National Labor Relations Act (49 Stat. 449) 29 U.S.C 151-169

unfair labor
practices?

are charged up. In the meanwhile, ^{employers} proprietors should revise their email, electric communications, ^{policies} policy and online media. If workers are granted entry to emails at the office, restricting workers' ^{unfair labor practice} utilization of emails in the course of a union crusade will be an unjust labor convention, probably leading in a beneficial election result being invalidated.

Election Rules -

Also, there have been recommendations made that before union elections, employers have to provide contact information for employees to unions — the information includes employee e-mail addresses where available.

What is it? National Labor Relations Act

The federal labor associations' code has brought about new codes that put at risk of employees and their families. Covered in the NLRB's new ambush selection standard; regulations outlined to charge up union selections are necessitations that coerce ^{employers} proprietors to bring to light workers' personal data to union ^{organizers} arrangers. However, to industrial unions, they have received an advanced Christmas gift from the federal ^{National Labor Relations Board} labor associations committee; this is the entry to non-union employees email address and telephone contacts. The NLRB gave out new regulations for the methodologies and timing that industrial union organizing selection can come to pass, in the workplace. Below the new regulations, labor unions will gain entry to workers' confidential data as they put together their coming out and proprietors will have little to react to employees' impositions by the time mentioned for a unionization selection can come to pass. These new regulations will result in the unrequested disposal of workers' secret acquaintance knowledge⁵e.

⁵ Long Island Association for AIDS Care Inc., NLRB Case Nos. 29-CA-1149012; 364 NLRB No.28 (June 14, 2016) (NLRB held decision of employer prohibiting employees from disclosing confidential data to a union or media as unlawful)

They are a revolutionary amplification of ^{existing} ~~sub~~stisting policies that as of now leaves employees wide open to daunting, intimidation and violence. Workers offer confidential data to ^{employers} ~~proprietors~~ hoping for the protection of this delicate information. Most workers would be offended to know that the national government was coercing proprietors to give up their confidential ^{data} knowledge to labor union bosses. The secrecy of laboring families should be enforced by policymakers, but not made unsteady by an un-voted in labor ^{Board} committee. The act makes sure that industrial organization keep on receiving a checklist of qualified balloters in ^{2 days} seven days of a ^{National} selection accordance or supervision of an election. The federal ^{Labor Relations Board} ~~labor~~ associations ^{board} displays an appalling disesteem for the significance of safeguarding ^{your} confidential information. The ^{board} is confirming itself insensible of contemporary secrecy threats and at least it is complicit in pursuing to decrease employee secrecy privileges.

Firstly, workers have no opinion in if their confidential data can be given away. Secondly, below the regulation, the labor union organizer has no concrete legit answerability to secure and safeguard employees' delicate data. Thirdly, the regulation offers no limitation on how the confidential knowledge can be utilized. Lastly, workers have no legit option to hold answerable an ^{confidential} outer association that jeopardizes this significant secret information.

The NLRB⁶ was totally in the know of these matters of contention previous to wrapping up the regulation, indicating that most comments contended that the exposure of such delicate knowledge could result in danger to the workers, descend upon their secrecy or clash with antecedent or auxiliary laws. However, the NLRB asserts that the adjustments are aimed at incorporating the procedure of carrying out elections and prevent ^{employers} proprietors from beating

⁶ Rocky Mountain Eye Center, NLRB Case Nos. 19-CA-134567, 19-CA-137315 (May 6, 2015) (NLRB held the termination of an employee for sharing other employees data to a union as unlawful)

The Board has always allowed giving employee addresses - why do e-mails differ?

Where did this from - Footnote
At Den 4 copy iii

3 What do you mean by this?

around the bush. Contestants of the adjustments argue that they unjustly grant labor unions a leg up in swaying employees to unionize. Clearing up the process and incorporating the procedure will lead in the progression of all parties. The NLRB ^{Board?} administrator in an acknowledgement announced that the new regulations will make sure that the committee and its representation procedure will continue to be an emblem of justice and adequacy for everyone.

Is this new Section?
Coped?
There is a lot for ^{employees} proprietors to disapprove about the ^{done over a year ago} just done set of selection regulations, but there are two major issues that are striking. Firstly, the new regulations necessitate employers to release workers personal details, such as worker telephone numbers and email addresses to industrial unions, therefore making it simpler for them to ask for back up. Secondly, the new regulations cut out a 25 day awaiting duration between when a labor union selection is asked for and when it can actually come to pass⁷.

That awaiting duration, contestants of the ruling argue that it gives room for ^{employees} proprietors to react to workers' impositions and to impede any differences of opinion being made in benefit of unionization. An appropriate election duration is required that grants employees adequate time to enlighten their coworkers in relation to the probable effect of unionization after months or so much as years of labor union constituting and indoctrination.

between
Presently, the normal time amidst when a labor union documents a representation appeal; the first phase in arranging a corporation into an industrial union is 38 days, however, the new regulations could cut down that to as little as 10 days.

⁷ National Labor Relations Act (49 Stat. 449) 29 U.S.C 151-169

— is Regulation - Not Act

References

- Purple Communications, Inc., v. NLRB, 361 NLRB No. 126 (National Labor Relations Board December 11, 2014).
- Avent, R. (2014, October 4). The third great wave. *The Economist Special Report. The World Economy*, pp. 1-2.
- Guard Publishing Co. (Register Guard), 351 NLRB, 36-CA-8743-1 (National Labor Relations Board December 16, 2007).
- Jordan, J. M. (2012). *Information, technology, and the future of commerce: resources for growth in a connected world*. New Jersey: Wiley & Sons.
- Lewin, D., & Gollan, P. J. (2012). *Advances in industrial and labor relations. Vol. 20*. Bingley: Emerald.
- Long Island Association for AIDS Care, Inc vs Marcus Acosta, 29-CA-149012 (National Labor Relations Board June 14, 2016).
- Rocky Mountain Eye Center and International Union of Operating Engineers Local, 19-CA-134567 (National Labor Relations Board May 6, 2015).
- National Labor Relations Act, 29 U.S.C S 151-169 Title 29 Subchapter II, United States Code

- 1) Sometimes I get the impression that some of this is just copied from some source. If so either ~~write~~ use your own thoughts and arguments or at a minimum footnote. Be careful of Plagiarism.
- 2) Use employer instead of proprietor
- 3) Use Headings - you jump from topic to topic - Sometimes confusing
- 4) The Act is the National Labor Relations Act and the "Committee" is the National Labor Relations Board - you should know that from class
- 5) You need a good introduction explaining what you are going to write about
- 6) Conclusion - (Not yet done) - what should be the rules and why

Be specific and explain your conclusion!