

What is union-busting?

By law, employers aren't supposed to intimidate, coerce, or fire employees for exercising their democratic rights to act collectively with their coworkers. Yet many employers do it anyway -- often with the help of outside union-busting consultants. Under current US labor law, the protections against these tactics aren't very strong. Employers often use a combination of legal and illegal methods to silence employees who attempt to form unions or to destroy one that is already in place. Some examples:

- ❖ Management **threatens to layoff workers or to close the workplace** because union workers are "just too expensive" or union jobs are "eating up the budget."
- ❖ A key union-busting tactic is to try to **undermine the union by rejecting all of its demands in negotiations**, even the simplest and most reasonable. This is also called "bad faith bargaining."
- ❖ Managers target activist workers by using **disciplinary warnings, instituting gag rules, or publicly criticizing** those who are engaged in concerted activities (working together to improve terms and conditions of work).
- ❖ Managers **publicly criticize the union, or even specific union members**, in an attempt to undercut union's credibility and scare workers into not speaking up. Managers quiz workers about "who is behind this campaign?" in an attempt to **create a hostile workplace climate** and wage a **psychological war** on activists.
- ❖ Union-busting consultants such as Jackson Lewis advise managers to "try to **come across as respectful** of labor's concerns ... institute an open-door policy with employees," but at the same time treat employees differently depending on if they are seen as pro-management or pro-union.
- ❖ Employer creates or exploits a **climate of fear and distrust**, setting workers up to fight with each other over resources so they won't look at what management is doing. Managers often encourage divisions among workers along lines of race, gender, ethnicity, citizenship or other differences.
- ❖ Management **spends money to defeat worker organizing** rather than allocating that money towards quality wages and benefits for employees.
- ❖ Employer holds meetings on work time (sometimes called "**captive audience meetings**") forcing workers to listen to management's opinion of the supposed "harm" the union has caused for workers. Such meetings also allow those workers who are anti-union to speak up publicly with management's full support while intimidating others into silence.
- ❖ Workers receive **differential and arbitrary treatment** from managers. A pro-union worker might get a warning for mentioning layoffs, while an anti-union worker's offensive remarks toward coworkers are ignored.
- ❖ Management "**reorganizes**" the workplace by laying off or transferring workers, giving the work to those who are willing to work for less or even nothing. Also accomplishes key goal of dividing workers against each other.
- ❖ Managers try to **bargain individually with workers**, or with sub-groups of workers, instead of going through fair and transparent collective bargaining. This separates workers from each other and often makes one's advancement dependent on siding with managers.
- ❖ Anti-union consultants advise employers to **support and even fund organizations** that claim to represent workers, even if they legally cannot. Management can then play those organizations off against the union.
- ❖ Employers commonly resort to **laying off, demoting or firing union supporters**. Union-busting consultants advise: "Get rid of the activists, just be sure you do it for other reasons."