In the Trenches
What Every Franchise Lawyer Needs to Know About Unions and Union Organizing Activities

Presented by:
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What Every Franchise Lawyer Needs to Know

- The National Labor Relations Act
- Anatomy of Union Campaign
- Preparing for the New Organizing Reality
  - Franchisor
  - Franchisee
The National Labor Relations Act
Employee Rights

- 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, except to the extent that such right may be affected and shall also have the right to refrain from any or all such activities...

Section 7, NLRA
Protected Concerted Activity

- Work stoppages, protests, demonstrations
- Codes of conduct, non-disparagement, civility rules
- Disclosure of confidential information and confidentiality policies
- Use of company email
- Cell phones, recording devices, cameras
- Media statements
- Social media posts
Employer (franchisor/franchisee) Rights

• 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

Section 8(c), NLRA
Rules for Management

• Supervisors/Managers are agents of the company
• 24-hours-a-day, 7-days-a-week
• Nothing is off the record
• Violations of rules can result in unfair labor practice charges
• ULPs can result in bargaining orders
  • Even without an election
  • Even if employees vote against union
Management Cannot

• **T** Threaten
• **I** Interrogate
• **P** Promise
• **S** Spy
Management Can

• F Provide FACTS
• O Give OPINIONS
• E Share EXPERIENCES
Anatomy of a Union Campaign
UNION OBTAINS AUTHORIZATION CARDS FROM 30% OR MORE OF EMPLOYEES

UNION PETITIONS THE NLRB; NLRB SCHEDULES ELECTION
VOTER LIST PROVIDED

MANAGEMENT AND THE UNION MAY OPENLY DISCUSS UNIONIZATION WITH EMPLOYEES

SECRET BALLOT ELECTION IS HELD

UNION WINS OR LOSES

NLRB CERTIFIES THE ELECTION

Petition to election occurs over a 15-22 day period
Union Authorization Cards

I want the UFCW to be my voice on the job and to represent me to obtain better wages, benefits and working conditions.

Quiero que la UFCW sea mi voz en el trabajo y que me represente para obtener mejores salarios, beneficios y condiciones de trabajo.

Name: ___________________________ Soc. Sec. No.: ___________________________
Home Address: ___________________________ Phone: ___________________________
City: ___________________________ State: ___________________________ Zip: ___________________________
Date of Authorization: ___________________________ Signature: ___________________________

Click Here to Sign Up Confidentially and Securely

YOU CAN BE CONFIDENTIAL. JOINING THE IAM IS THE SOLUTION. The Machinists' Union is a powerful union and your employer knows it. Why not take the opportunity to look out for your best interests?

That's why people just like you have chosen to join the IAM. All they wanted was a union contract that guarantees the wages, benefits and working conditions they deserve. You have taken the first step in buying a better life for yourself and your family.

Here are the facts about signing a IAM Card:

• If you aren't interested in joining together with your co-workers to set down and negotiate terms and conditions of employment with your employer, only through collective bargaining.
• This card enables you to receive your full benefits and affiliation bargaining rights. Initial fees are waived for all current employees and no scale will be paid until your first contract has been accepted.
• This card is kept entirely confidential by the IAM and the National Labor Relations Board (U.S. Government). Your employer will NOT know you signed a IAM card unless you tell them.
• You are protected by federal law (National Labor Relations Act), if you want to sign a IAM card.
• You are not giving up your individual right to deal with your supervisors on day-to-day issues and problems.
• You are NOT required to pay any fee or dues to the IAM by signing a card. There are no dues until you and your co-workers vote on an acceptable grievance.
• You are NOT taking a stand against the company by being expelled by signing a card.

Locate A Representative In Your Area, Who Can Help Answer Any Questions

<table>
<thead>
<tr>
<th>Region</th>
<th>Contact</th>
<th>Phone</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Region 1</td>
<td>Tony Wieczorek</td>
<td>707-282-1000</td>
<td><a href="mailto:tony@iamaus.org">tony@iamaus.org</a></td>
</tr>
<tr>
<td>Region 2</td>
<td>Paula Pizzuti</td>
<td>305-877-5000</td>
<td><a href="mailto:paula@iamaus.org">paula@iamaus.org</a></td>
</tr>
<tr>
<td>Region 3</td>
<td>Rick Paull</td>
<td>202-232-0000</td>
<td><a href="mailto:rick@iamaus.org">rick@iamaus.org</a></td>
</tr>
<tr>
<td>Region 4</td>
<td>Pete Johnson</td>
<td>312-999-5000</td>
<td><a href="mailto:pete@iamaus.org">pete@iamaus.org</a></td>
</tr>
</tbody>
</table>
Preparing Your Clients for the New Organizing Reality
The Franchisor’s Dilemma

• Joint employer issues
  • Mixed bargaining units
  • Strikes, picketing and demonstrations
  • Access to property

• Public relations challenges
  • Franchisor’s philosophy
  • Boycotts
  • Corporate campaigns
Organizers on Your Property
Work Stoppages and Demonstrations
My boss is a useless... Thats right randy! He has been using me as a lead with absolutely no intention of actually giving me the job... all he cares about is flirting with chivks he has no business even looking at... He is inappropriate and irresponsible. And has officially lost any lingering respect I may have had.

Guess who got fired?!
Suspected Organizing

AUTHORIZATION FOR REPRESENTATION

I authorize Local No. _______ of the International Brotherhood of Electrical Workers to represent me in collective bargaining with my present and future employers on all present and future jobsites within the jurisdiction of the Union. This Authorization is non-revocable, binding, and valid until such time as I submit a written revocation.

Name: ___________________________ Soc. Sec. No.: ___________________________
Home Address: ___________________ Phone: _______________________________
City: ___________________ State: ______ Zip: ___________________________

Date of Authorization: ___________ Signature: ___________________________

Form 140

THIS IS NOT A SIGN

HELLO
my name is

CHANGE

I DESERVE RESPECT & DIGNITY ON THE JOB

VOTE UNION YES
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