

AN ANALYSIS OF UNION-AVOIDANCE TECHNIQUES
AND NLRB ELECTION OUTCOMES

by

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TO

MY PARENTS

MRS. JOSEPHINE NOBLIN PORTER

MR. DONALD ANDREW PORTER

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CHAPTER I

INTRODUCTION

Labor Unions Today

Organized labor has become a powerful force in the industrialized United States. In 1980, there were approximately 22.4 million workers belonging to labor unions in this country, representing 20.9 percent of all civilian members of the labor force (Ruben, 1982).

The strength of labor unions depends to a significant extent on their ability to gain new (dues-paying) members. In recent years organized labor has experienced mixed results in efforts to organize traditionally unorganized segments of the workforce. White-collar workers have provided many new members to the labor ranks but basically remain difficult to organize. Executive Orders have created a tremendous growth in the number of organized public employees. Even with these gains, in the last ten years labor union membership has decreased from 24.7 percent to 20.9 percent of the workforce (Ruben, 1982). While the relative decrease in union membership may be explained, in part, by the growth of the labor force, organizing remains an area of major concern for labor leaders.

Because of problems in organizing efforts, labor can be expected to devise more sophisticated means of locating and organizing employees who desire to be represented by a union. Accordingly, the company which

intends to maintain non-union status will be required to maintain its vigilance.

The Employer's View of Labor Unions

There are situations in which companies choose to have a union represent its employees. As Rothenberg and Silverman (1973) point out, perhaps an employer's humanitarian philosophy tells him his employees need union representation, or perhaps a fatalistic attitude gives the employer no basis to believe he is able to remain non-union.

More practical reasons may justify having a union. The employer may prefer dealing with one union in order to keep another union away. In such a case, a particular union may have proven itself to be responsible and fair, or one union may represent the company's employees at other locations, discouraging the company from risking disruption of an integrated work process by dealing with another union. A union may perform a service for the employer, such as providing a labor pool through the operation of a hiring hall. Unions may function as a political ally; often labor lobbying efforts benefit a particular industry (Kilgour, 1981). Some employers report that unions are essential to maintaining predictability and orderliness in a large, industrial work force (Mills, 1981). The marketing value of a union label may cause an employer to voluntarily deal with a union. Particularly important in heavily unionized areas, the employer may simply wish to avoid the disruption and work stoppages which sometimes accompany organizational campaign battles (Dougherty, 1972).

In most situations, however, firms prefer to operate without a union. Perhaps companies wish to avoid the high wage rates often associated with unionization. Mellow (1981), in comparing initial and subsequent wages of workers who had changed their union membership status, found that those workers who became union members experienced wage improvements of approximately 7.5 percent. According to Jackson (1978) and Hughes (1976), indirect labor costs--the costs associated with such things as negotiations, grievances, and strikes--may increase the employers labor costs by 25 percent.

Employers may fear that unions will restrict the company's flexibility and control, thus threatening company effectiveness and profitability (Mills, 1981). Jackson (1978) warns that unions, by interfering with company affairs, will harm the employer's competitive standing. But Brown and Medoff (1978) found that unionization had a substantial positive effect on worker output. Clark (1980), upon finding a 6-8 percent increase in productivity among unionized firms in the cement industry, attributed the increases to changes in management style brought about by unionization. Managements of unionized firms were more professional, more standards-oriented, and more concerned with work performance than managements of non-union firms.

Remaining Non-Union

Regardless of their reasons, most firms prefer to remain non-union. But how does a firm remain non-union? The literature indicates that remaining non-union is not a passive process; simply hoping that an

organizational attempt won't occur would appear to be a risky approach. Instead, the employer is encouraged to take positive action to eliminate employee interest in union representation, and to make the company a difficult target for organizing.

A substantial amount of literature is found in the industrial relations field which pertains to union-avoidance (preventive labor relations). Much of that literature is provided by labor attorneys and labor consultants who have drawn upon their experience in the organizing process. In some cases, the literature contains (indirect) advice for companies interested in remaining non-union. Some of the most relevant literature consists of step-by-step manuals describing preventive labor relations programs.

The techniques recommended for avoiding unionization are numerous, diverse, inconsistently emphasized, and occasionally contradictory. Some writers appear to provide hard-and fast rules for union-avoidance, while others urge the employer to modify his approach according to the particular circumstances.

Another problem is a lack of verification of the capability of the various techniques to deter unionization. Because the techniques in the literature are derived from observations of various writers, the reliability of supposedly effective techniques should be examined. A technique which is successful in one industry, or one area, may not be successful elsewhere. In fact, the perceived need for a specific technique may vary depending upon the observer.

Purpose of the Study

There are two purposes of this study. First, the study has provided an examination of the extensive literature concerning techniques for union-avoidance. This includes the literature provided by practicing labor consultants as well as research academicians.

Second, the study has examined the union avoidance techniques actually used by employers who have recently experienced a National Labor Relations Board election; providing an empirical analysis to determine which union-avoidance techniques are related to election outcomes.

Significance of the Study

A study which analyzes the ability of specific programs and techniques to deter unionization should be of great interest in the personnel/industrial relations field. The academic community would be better able to devise programs of study for students who have an interest in either the management or labor side of industrial relations. Academicians would also be better prepared to function in an advisory capacity to employers or unions.

Perhaps the greatest benefit would accrue to those companies interested in maintaining non-union status, and to the unions which attempt to organize those companies. With a better understanding of the strength of various techniques, strategies can be more effectively devised by both parties.

Delimitations

The methodology of the study imposes certain delimitations. First, employers surveyed comprise a small sample. Further, the study surveyed only private-sector organizations, all of which are located in a particular small part of the country. In addition, only firms with a proposed bargaining unit of at least a certain minimum size were surveyed, and all elections were held in a relatively short time period. These delimitations may restrict the extent to which the study results can be generalized to a larger population.

Finally, all employers studied experienced a recent National Labor Relations Board election. A more balanced examination of preventive labor relations programs would also consider the practices of firms which had not experienced organizational activity.

The Study

In Chapter II a survey of the literature concerned with specific union-avoidance techniques will be presented. Chapter III contains hypotheses of union avoidance based upon the literature review, and a description of the research methodology and analysis used to evaluate the effectiveness of union-avoidance techniques. The results of the analysis are presented and discussed in Chapter IV. Conclusions and implications of the study are developed in Chapter V.

CHAPTER II

TECHNIQUES FOR UNION-AVOIDANCE

The literature on union-avoidance is provided, generally, by two sources; labor practitioners and academicians. Typically, the labor practitioners draw upon their own experiences in the labor relations field. The academicians, on the other hand, primarily base their writing upon empirical research. In many instances, the recommendations of the two groups is contradictory. Indeed, the recommendations coming from within each group often are not consistent. This Chapter will pull together this sometimes inconsistent, occasionally disparate body of literature, and to the extent possible, identify points of agreement and disagreement, within and among the groups.

The techniques for remaining non-union which are reviewed in this Chapter are classified as long-range or short-term efforts. Long-term techniques, which basically involve the implementation of sound personnel practices, are designed to prevent an organizational drive from even beginning. Short-term efforts are primarily "reactive" to an organizational drive, and are designed to aid the company in winning a union election. Short-term techniques will be reviewed in the second section of this Chapter.

Long-Term Techniques for Union Avoidance

Kilgour (1981) maintains that primary emphasis in union-free efforts should be placed upon "preventive" efforts rather than "reactionary" responses. There are many things a knowledgeable employer can do to avoid and deter the serious attention of labor unions, which in most cases will make a union campaign a remote possibility. Because most of these actions require substantial lead time in order to be fully effective, Kilgour suggests that companies establish a preventive labor relations program long before any sign of union activity.

A Formal Plan

A preventive labor relations program, according to Hughes (1976) and Rand (1980), should begin with a strategic plan designed to assess the firm's vulnerability to a unionization attempt. Dougherty (1972) suggests the plan be designed to 1) identify the problem areas, 2) assess strengths and weaknesses in those areas, 3) provide for the correction of any weaknesses, 4) build on the strengths, and 5) set priorities for problem correction according to a time schedule. Dougherty's plan would include careful scanning of the business and company work environments, and the identification of unions which may try to organize the firm.

Lawson (1977) suggests use of a comprehensive "Employee Vulnerability Audit" (pp. 169-188) which covers fifteen key areas of the employers' personnel policies. If used periodically to review all

phases of personnel policies and practices, Lawson feels the audit can be a practical tool for non-union firms in efforts to identify problem areas.

Dougherty (1972) points out that a comprehensive preventive labor relations plan should go further than a review of personnel procedures. The plan should include provisions for short-range response to be used in the event of organizational activity.

Practitioners seem to agree on the need for a plan for union-avoidance practices. The writers focus on the need to evaluate employment practices, and to a lesser degree, on factors external to the firm.

Staffing Considerations

Management personnel

An effective preventive labor relations program demands commitment from all levels of management. Without such commitment, the management team will not devote the necessary attention to union-free efforts (Jackson, 1978).

Foulkes (1980) found that the management of many non-union companies took great pride in the fact that their firms were non-union. Non-union status appeared to give the managers a certain status and prestige in the management community.

Because Jackson (1978) considers the selection and development of management personnel an important step in union-free programs, he offers several attributes of management personnel which should be

evaluated to ensure that each member of management is an effective part of the non-union program:

1. Each management person must understand, and be committed to, the firm's non-union goal. His experience and training must provide the skills required in a non-union environment
2. Management personnel must be familiar with, and capable of presenting, the disadvantages of unionization to the employees
3. Promotions from the employee ranks only on the basis of seniority and/or technical skills is not sufficient; the individual must have leadership ability
4. Management personnel must possess a cooperative attitude. Those who try to establish excessive personal power may be counterproductive to the non-union program
5. Consideration should be given to family complications which could prevent the person from performing his duties (for example, union sympathizers in the family)

The employer must not take management attitudes for granted. Tomkiewicz and Brenner (1979) examined the attitudes of graduating business majors and found the group had not established definite opinions of labor unions and the role of unions in society. Although the study did not suggest the students were pro-union, it did reflect overwhelming support for the right to unionize (79.1 percent), and surprisingly, credited management with being more responsible for labor strikes than unions (31.8 percent versus 30.3 percent). The authors concluded that the students' responses, reflecting the attitudes of future management personnel, indicate the ability to think of labor unions in shades of gray. Therefore, the employer, before placing management people in positions in which they may have to execute preventive labor relations policies, should clearly ascertain

management attitudes towards unions.

Employee selection

If an employer were sure of which types of employees were least inclined to support unions, the employer could improve his chances of remaining non-union simply by hiring those not inclined to vote for or support a union (Kilgour, 1981). Following is a review of principles, generally accepted by industrial relations academics and practitioners alike, concerning the susceptibility of employee types to unionization efforts.

Union background

Kilgour (1981) recommends against hiring those who have previously worked in a union environment. Even if the employee was not a union supporter, he may compare an aspect of the non-union company with that of a unionized setting, which could reflect unfavorably on the non-union employer.

Unions may send their own employees to infiltrate a targeted facility by being hired. Cabot (1978) warns the employer to screen candidates, placing emphasis upon previous employment references. To avoid violating labor laws, the employer should not ask applicants about their union affiliation or create an impression of excessive hostility towards unions during interviews.

A study by Getman, Goldberg, and Herman (1976) examined the reasons workers voted, and how they voted, in representation elections. The study suggested that hiring those with experience in a union

environment would not endanger the company's non-union program. Of the 43 percent of the subjects who had previous union experience, 72 percent voted against the union because of unfavorable experiences with unions. The authors determined that previous negative experience with unions was a stronger factor in voting against unions than was positive experience in voting for unions.

Older workers

Jackson (1978), by advising employers to consider hiring older employees who are more reliable and responsible, suggests that older employees are less susceptible to union propaganda. Kilgour (1981), while recognizing that older workers are commonly considered to be more difficult to organize, feels that workers' willingness to support unions is more affected by previous work experience, work attitudes, and expectations. Indeed, Kochan (1979) found that age was not a significant factor in workers' attitudes towards unions. Getman, Goldberg, and Herman (1976) found only slightly more favorable attitude towards unions by younger workers.

Women

Kilgour (1981) argues that if women were once more difficult to organize than men--a belief still commonly held--that is no longer the case. Because of changes in our society, women are more often found in jobs traditionally held by males, and more women are now in the workforce. As a result, unions are more interested in organizing women; in fact, many unions employ female organizers.

A recent study found that 40 percent of non-unionized females in the workforce would vote for union representation, compared to 33 percent of all non-unionized employees (Kochan, 1978). Kilgour (1981) suggests that in the years ahead it may well be that women will be easier to organize than men.

Ethnic groups

One of the often heard claims regarding the tendency of ethnic groups to support unions, is that blacks are less difficult to organize than whites (Kilgour, 1981). Kochan (1976) found that 67 percent of non-union blacks would vote for a union if given the opportunity, compared to 33 percent of all non-unionized workers. Yet, Getman, Goldberg, and Herman (1976) found only slightly more favorable attitudes toward unions from blacks than whites.

In some situations, blacks have negative attitudes toward unions when the unions have engaged in racial discrimination. Kilgour (1981) cautions that such situations will cause differences within and between ethnic groups and that those attitudes change over time.

Diversification

Because there appears to be no easy conclusion to the question of which types of employees are least likely to support a union, the logical approach may be to strive for a mix of employee types. A workforce consisting of employees with differences in sex, age, educational background, area of residence, and ethnic background, may present a union organizer an impossible problem. In the absence of an employment-

related cause which appeals to most of the employees, the union may have difficulty devising a campaign that appeals to a diverse workforce (Jackson, 1978; Kilgour, 1981).

Summary

The literature emphasizes the importance of selecting management personnel who will function effectively in a preventive labor relations program. The literature also identifies many theories concerning the tendencies of specific groups to support unions. Those tendencies receive little substantial report from available research. Thus, the selection of employees, based only on attitudes perceived to be characteristic of particular groups, would appear to be an unreliable union-avoidance technique.

Communications

A sound communications program serves two important functions for non-union firms. By regularly communicating with employees about such matters as the company's business goals, market status, and overall progress, the employer may be able to increase employee identification with the company (King, 1978).

Second, communications programs can serve as a means by which the employees can express dissatisfaction with aspects of employment. If employee unrest is detected at an early stage, the company can take steps to eliminate the causes of dissatisfaction so that the employees need not look outside the firm for assistance. A sound communications program should be able to discover practically all instances of employee

unrest (Pritchett, 1975; Jackson, 1978).

Maintaining that employer dependence on only one medium of communication is unwise, Dougherty (1972) advises management to use several techniques and to try new, innovative approaches. The appropriate type of communications will vary according to the situation. Level (1972) found in a survey of line supervisors, that the appropriate method of communication depended on the type of message to be conveyed.

Communications techniques range from the nearly mechanical to those requiring a great deal of preparation. A review of techniques that have been recommended for union-avoidance by several authorities is provided below.

Management speeches

Dougherty (1972) recommends the presentation of management speeches to large groups of employees during working hours. Through personal presentation of subject matter of interest and importance to the employees, speeches can encourage the employees to identify with management.

Written correspondence

Jackson (1978) feels that letters from the company to employees' homes are useful as a means of recognizing events of special interest to the employees, and for conveying specific company-related messages. Advantages of letters include 1) the credibility of a message from an authority figure, 2) the opportunity for employees' families to share

in the message, and 3) the opportunity for the employee to read the letter in a relaxed atmosphere.

Reception and orientation program

The company's influence on new employees is often referred to as "socialization" of the employees. Wanous (1980) identified the goals of socialization as 1) clarifying the employee's role in the organization, 2) ensuring that the employee has the appropriate skills for the job, and 3) motivating the employee to acceptable performance. An important socialization strategy is to educate newcomers to the various policies, procedures, norms, etc. of the organization.

Because employees are so impressionable during their first days with the company, an orientation program can serve as a beginning of that education process (Cabot, 1978; Jackson, 1978). An orientation program at Texas Instruments--designed to reduce employee anxiety--resulted in better attendance, less reactive employee behavior, better utilization of talent, and increased confidence of the whole workforce (Gomersall and Myers, 1966).

Gomersall and Myers (1966) consider a careful orientation program an important step in preventive labor relations. By establishing a suitable organizational climate, in which employees have real responsibilities and receive recognition, the company discourages the intervention of labor unions.

Group meetings

In group meetings, a management representative meets with about

five to fifteen employees to provide them specific information and to seek any ideas, suggestions, or concerns which the employees may wish to express. The small size of the group is intended to encourage each person to participate and to feel comfortable in voicing his ideas (Jackson, 1978).

Group meetings can serve as a "rumor clinic" where employees are informed of what the company is doing and why (Cabot, 1978, p. 2-11). By answering questions concerning company policies and decisions, management is able to quell many rumors before they become harmful. While rumors cannot be stopped, they can be neutralized by official communication (King, 1978).

Hughes (1976), a psychologist, emphasizes the value of group meeting in preventive labor relations. Unlike one-to-one interaction, group activities capitalize on the greater influence of group behavior in shaping employees attitudes.

Individual interviews

A representative of the company may invite an employee into his office for a private, confidential talk, providing the employee an opportunity to voice his ideas, suggestions, or complaints. The employee should be given time to bring up any issues he chooses, regardless of the nature (Jackson, 1978).

Jackson (1978) points out that interviews conducted "on the floor" should be structured as other interviews which are part of the union free effort--with open-ended questions which allow the employees to express their feelings. The presence of management personnel on

the floor will aid company efforts to understand employee problems in the workplace.

Complaint boxes

When used in conjunction with the more direct channels of communications, a complaint box is useful in eliciting anonymous comments. The box enables employees who are uncomfortable in face-to-face situations or who fear retaliation, to register complaints which would otherwise go unheard (Jackson, 1978). Hughes (1976) maintains that complaint or suggestion systems, in practice, are usually ineffective because most input is rejected and, in some cases, people are punished for their efforts to make suggestions.

Attitude surveys

A method by which to monitor employee discontent and frustrations is the use of attitude surveys. Because of the capability of attitude surveys and their potential value to non-union employees, they are discussed in some detail later in this Chapter.

Employee committees

Employee committees can be used to solicit the participation of employees in various aspects of the work environment. One of the most commonly used is the safety committee (Jackson, 1978).

Dougherty (1972), Jackson (1978), and Murrmann (1980b) point out potentially dangerous consequences of committees. If committees deal with the employer concerning working conditions, the committee may be classified as a "company dominated union", and thus violate the

National Labor Relations Act.

Second, committees can result in friction among the employees or between the employees and management. . Not only could the friction be counterproductive to the preventive labor relations program and harmful to the overall work environment, but it could provide a union organizer an avenue by which to begin an organizing campaign. If the committee program is poorly implemented or fails because of events beyond the control of the employer, the resulting employee frustration may bring rise to an organizing attempt.

Employee handbook

Jones (1973) feels that the employee handbook is a valuable communication tool, serving to define the employment relationship between the company and the employees. The uses and objectives of the handbook will vary depending upon the size and nature of the firm. Generally, the handbook should cover company policies on wages, vacations, promotions, benefits, and military service. Details of policies should not be spelled out (but made available elsewhere); the handbook should be designed so it will be read.

Other communications channels

By sponsoring house organs (newsletters, newspapers, etc.) the company can provide specific news of employee activities, personal items, and special announcements, facilitating employee identification with the firm (Dougherty, 1972). Bulletin boards can be used to handle everyday communications such as work rules, notices, and job

posting (Cabot, 1978). Posters, and messages placed in payroll envelopes are inexpensive and effective in conveying specific company messages (Jackson, 1978).

Most of the communications channels discussed above can be used to tell the employees that the company is committed to remaining non-union. Dougherty (1972) and Hughes (1976) feel it appropriate to tell the employees, and to tell them often, that the interests of the firms and the employees can best be served without the participation of a union. The company's outspoken commitment to remain non-union may be considered a technique in itself of union-avoidance.

Summary

Communications is considered a valuable tool for encouraging the employees to identify with the firm, and for detecting employee unrest which could lead to organizational activity. Numerous channels of communications are identified, each seemingly appropriate for particular situations. Many of the writers emphasize the communications channels they feel are most effective, either for use in specific circumstances or for overall communications efforts.

Making Organizing More Difficult

Union leaders who are responsible for selecting organizational targets will generally do so on a rational basis. The determination of those targets will include at least a crude cost-benefit analysis, in which the cost of organizing and the risks of failure are considered. Because the union's resources are limited, and perhaps

strained, the employer should try to increase the cost and risks the unions must endure in an organizational attempt (Kilgour, 1981). Below, the author will review techniques of this type that have been recommended by various authorities.

Plant location

Typically, decisions to locate company facilities are based upon product markets, accessibility of materials, transportation costs and numerous other factors (Bowersox, 1978). Kilgour (1981) considers plant location to be an integral part of preventive labor relations. The company which is serious about maintaining its non-union status cannot afford to locate in an area likely to produce organizational activity.

According to Kilgour (1981), organized labor is more effective in some areas than in others. Factors such as political climate, industry mix, and cultural attitudes are partially responsible for the differences. But since those factors change over time, an area's labor climate may also change.

Data on union membership and organizing activity are supplied by the U. S. Department of Labor and the National Labor Relations Board. Kilgour (1981) cautions employers to use such data carefully because the data does not reflect differences within states and among specific labor markets. For example, a company locating in a state with a low rate of unionization may find itself in a city with a high rate of unionization.

Second, union jurisdictional arrangements are not reflected in

the data. Upon moving into a state with a low rate of unionization, a firm could be located within the jurisdictional boundaries of an aggressive, actively organizing union.

Roses' study (1972) of election data casts doubts upon the advantages of locating a company facility in a given area. Rose found only slight variations in election outcomes between geographic regions and between metropolitan and non-metropolitan areas. Hershey (1976) found no significant difference when comparing election outcomes in the ten states with the highest union membership with all other states. Further analysis by Hershey found only moderate differences in election outcome by nine regional groupings, the spread of management victory rates being 47 to 53 percent.

A review of more recent election data (NLRB 44, 1980, Table 15A) reveals valuable information. Similar to the results in Hershey's (1976) study, in the ten states with the highest union membership, unions won 46.3 percent of the elections, slightly higher than the unions' victory rate of 45.6 percent over all states (and the District of Columbia). Regional differences were somewhat more pronounced; union victories ranged from 49.4 percent to 59.9 percent. Perhaps of greatest relevance to the non-union employer, is that unions won less than 40 percent of the elections in twelve states, while in seven states (and the District of Columbia) unions won 55 percent or more of the elections.

Using the available data to reach a decision as to where to locate a facility may be difficult and unreliable. However, few

major business decisions are easy and risk-free. By carefully reviewing the data and considering its limitations, a firm may be able to decrease its chances of being targeted for organizing by locating in a "safe" place. However, no consensus exists in the literature regarding the selection of such a location.

Solicitation and distribution rules

There is no advice appearing more frequently in the preventive labor relations literature than that pertaining to the establishment of no-solicitation, no-distribution rules. By limiting the unions' and employees' ability to communicate organizational messages, the employer can inhibit the organizing campaign.

"Distribution" refers to the handing out of written campaign material (excluding authorization cards) such as leaflets and brochures. "Solicitation" generally refers to oral efforts to persuade employees to support the union. Generally, National Labor Relations Board rules allow the employer to prohibit distribution on company property (except in non-work areas, such as cafeterias, breakrooms, etc.) if distribution interferes with production.¹ The established position of the NLRB and the courts has provided that a prohibition against employee solicitation during actual working time is valid, but prohibition extending to all working hours (including

¹Essex International, Inc., 211 NLRB 112, 8G LRRM 1411 (1974).

authorized breaks) is invalid.² The distinction between working hours and working time can no longer be assumed to be clear to employers. The NLRB recently ruled that because the terms were ambiguous and subject to interpretation, employees are often afraid to engage in solicitation activities during non-work time.³ As a result, employers may be required to specify that solicitation is permitted at certain times. Special solicitation rules apply to retail stores⁴ and health care facilities⁵ due to the presence of customers and patients in the work areas.

Non-employees can be prohibited from soliciting and distributing union material on company property if the union can reasonably be expected to reach the employees in another manner, or if such activity would disrupt the business.⁶

Further, non-solicitation rules may not be discriminatory--designed only to prohibit union solicitation.⁷ The complex nature of solicitation and distribution rules, as demonstrated above,

²Stoddard-Quirk Manufacturing Company, 138 NLRB 615, 51 LRRM 1110 (1962).

³T. R. W., Inc., 257 NLRB 47, 107 LRRM 1481.

⁴Marshall Field vs. NLRB, 200 F. 2d 375, 31 LRRM 2073 (7th Cir. 1952).

⁵Beth Israel Hospital vs. NLRB, 437 U. S. 483 (1978).

⁶NLRB vs. Babcock and Wilcox Company, 351 U. S. 105 (1956).

⁷Shepherd Laundries Company, 176 NLRB 113, 71 LRRM 1366 (1969).

explains why each of the authorities who advocate establishment of such rules, suggest the employer refer the matter to his labor counsel.

Additional restrictions of union communications

The employer can make the work of the union organizer and pro-union employees more difficult and time consuming (and thus, more costly) by restricting the flow of union communication. If more than one portal is available to employees by which to enter and leave the facility, the union organizer will have more difficulty in contacting all employees (Dougherty, 1972).

Employee contact with outside unionized personnel should be minimized in order to prevent soliciting on the premises. Examples of such company efforts are 1) restricting outside truck drivers to specific areas, and 2) providing separate toilet facilities for outside personnel (Kilgour, 1981).

Union communications within the company can be reduced by providing a number of lunchrooms, drinking fountains, washrooms, and time clocks. Staggered breaks, starting times, and quitting times will strengthen this effect. Employees should not be allowed to wander around the facility (Kilgour, 1981), nor allowed to linger on company premises before or after working hours (Jackson, 1978).

Employee rosters would be quite helpful to a union organizer in identifying and locating company employees. Kilgour (1981) advises management to be particularly careful with call-in lists, telephone directories, and payroll and data processing units.

Summary

The literature provides techniques by which the employer can increase the risk and costs for a union attempting to organize the employer's facility. Election outcome data, taken into consideration with other aspects of specific geographic areas, may be of value in selecting an area subject to relatively little union influence. By controlling the movement and activities of employees and visiting personnel, the employer can make union communication more difficult. Restriction on union solicitation and distribution appears to be the most emphasized technique of inhibiting union communications in organizing efforts.

Employee Attitudes

Behavioral researchers have stressed the role of attitudes in efforts to determine why workers join unions. Studies have found the best predictors of union membership (as measured by actual voting or the intention to vote) to be 1) attitudes about the job, 2) attitude towards unions, and 3) specific beliefs that unions could be instrumental in obtaining favorable outcomes for the workers (Youngblood, DeNisi, and Mobley, 1981).

This section deals with the ability of employers to monitor, and perhaps change, employee attitudes about job-related factors. Worker attitudes towards unions, and unions' ability to benefit the employees, will be dealt with later in this Chapter.

Employee attitude surveys

Employers usually are interested in measuring and changing employee attitudes with the assumption that actual behavior is related to those attitudes (Myers, 1979). One method by which to monitor employee discontent and frustration is the use of attitude surveys. Because attitude surveys go directly to the employees to ask what is bothering them, the surveys are considered by many authorities to be a sound technique for identifying employee problems (Sirota, 1974).

Because firms can develop and administer their own surveys or employ an outside consultant with substantial expertise, many variations of surveys are available. The surveys may vary from sophisticated, powerful instruments capable of measuring a wide range of direct and indirect indicators of employee attitudes, to a simple "quick and dirty" questionnaire (Kilgour, 1981).

Kilgour (1981) feels that an attitude survey program should be started before organizational activity has begun. Because the normal state of affairs should be the absence of union organizing (which would be reflected in employee responses), such a time period should be used to establish a data base from which future response changes could be contrasted.

Surveys can function as an early warning system. The more time the employer has in which to implement changes called for by the survey, the more effective the counterunion effort will be. Once organizational activity has begun, changes in employment conditions are more

likely to be attributed to the presence of the union than the sincerity of the employer (Hamner and Smith, 1978).

Finally, instituting a survey program or implementing changes in personnel practices after an organizational campaign has started may constitute objectionable conduct or an unfair labor practice.⁸

Supervisor attitude surveys

Supervisors fulfill a critical role in the company's non-union efforts. Supervisors typically are in positions to convey to the employer information about employee attitudes and morale. Conversely, the supervisors are also the primary means of communicating the company's position to the employees (Lawson, 1977; Hoover, 1982).

Lawson (1977) suggests the use of opinion surveys of supervisors --surveys designed to "clear the air" and to identify any particular problems of the supervisors. Only when such problems are identified and remedied can the employer expect the supervisors to provide active, complete support for the company's counterunion program.

The Employees' Security Needs

Job security is a matter on which most employees place a very high priority. By exploiting a lack of job security and promising to provide that security, many union organizers are able to establish a strong foundation for an organizational campaign. Therefore, it is

⁸Republic Aviation Corporation vs. NLRB, 324 U. S. 793 (1945).

very important that the non-union employer demonstrate the ability and a genuine willingness to respond to the security needs of the employees.

Seniority rights

The principle of seniority is pervasive in the U. S. employment system. The expectation of seniority rights by American workers is so broad that the non-union employer is advised to accept the basic concept and to incorporate seniority provisions into the company's employment structure. Although it may work unfairly towards individual employees in some situations, or impose inconveniences on the firm, failure to provide a reasonable accommodation of seniority rights will violate principles of fairness accepted by a vast majority of employees (Rothenberg and Silverman, 1973).

Hughes (1976) and Jackson (1978) feel that a "bidding" system is an important tool in the promotion and transfer of employees. Under this system, jobs are posted (or otherwise made known) and interested employees have the opportunity to place themselves under consideration for the position. In determining who will be awarded the job, the company must determine the relative emphasis to be placed on seniority and ability.

The recognition of seniority rights is perhaps of greatest importance when lay-offs become necessary. Firms which experience lay-offs regularly should be particularly careful to consider seniority in lay-off policies (Rothenberg and Silverman, 1973).

While advocating recognition of seniority rights, Dougherty

(1972) and Jackson (1978) warn that strict use of seniority in lay-offs may result in lost productive capacity. Instead, the skills required to perform particular jobs should be considered in lay-offs and recall. The authors' concern with job skills should also be applied to "bumping" -- a system whereby an employee takes the job of another employee (with less seniority), bumping that "younger" employee into the lay-off ranks (or forcing him to bump another employee).

Foulkes (1980), in an examination of personnel policies in large, non-union firms, found that a great deal of emphasis was placed upon employment stability. In efforts to avoid lay-offs, techniques included restrictions on hiring, transfers, retraining programs, early retirement offers, work sharing, and efforts to insulate the workers from fluxuations in work by use of subcontractors. Because the firms were large, and because they were in growth industries, they possessed the flexibility and financial strength needed to absorb the demands of full-employment policies.

Jackson (1978) feels that overtime work should be determined by seniority. Although some firms try to spread the overtime work among all employees, Jackson prefers a policy which gives senior employees first refusal for extra work. Reverse seniority is used in situations where not enough employees volunteer to work; the employees with the least seniority are required to work.

Safety

The employer can further satisfy the security needs of the em-

ployees by emphasizing workplace safety. Although the Occupational Safety and Health Act (the Act) is intended to assure healthful working conditions for working people, only workers of employers affecting interstate commerce are covered (Mason, 1976), and the Act has some additional shortcomings (Robblee, 1978). Dougherty (1972) suggests that by legitimately providing a safe work environment, management can demonstrate its concern for the employees' well-being.

The Getman, Goldberg, and Herman study (1976) indicated that safety was not a major union campaign issue, being introduced in less than 25 percent of the elections studied. Further, in the elections in which safety was an issue, only 11 percent of the employees recalled that fact, and only 6 percent of the voting employees reported the safety issue as a reason for voting.

The Getman, Goldberg, and Herman (1976) findings do not necessarily contradict Dougherty's (1972) emphasis on safety. It may be that with current Federal and state safety regulations, most employers operate safe facilities so that unions have little success emphasizing safety issues. Legislation may also explain why Wallace and Driscoll (1981) observed that unions and managements spent relatively little time in negotiations discussing safety and health. Even though labor and management have negotiated safety provisions into a majority of bargaining agreements, safety does not appear to be a particularly important aspect of preventive labor relations.

Affirmative action

By publishing and communicating an affirmative action program

(AAP) to the employees, the company can convey its intent to provide equal rights to all employees. Although those rights should be made explicit by all company actions, by establishing an AAP the company may gain a more credible reputation of dealing fairly with the employees (Hughes, 1976; Jackson, 1978).

Hall (1977) recognizes that problems may surface when affirmative action is viewed as reverse discrimination by non-minority males. The employer, particularly if employing large numbers of white males, must either overcome such resistance or risk alienating those white males.

Dealing with change

Wilson (1977) and Jackson (1978) encourage the non-union employer to deal positively and openly with changes which affect the employees. Sudden changes can cause a great deal of unrest and insecurity among the workers. Changes should be fully explained to the employees. If possible, the proposed changes should be tested before firmly decided upon (Jackson, 1978).

Resistance to change, according to Lawrence (1954), results not from a fear of changes in the job itself, but from fear of social change--the changes in human relationships that often accompany technological changes. Watson's (1969) recommendations for overcoming resistance to change include some suggestions particularly applicable to the non-union employer. Resistance will be less if the change decreases the employees burden and does not threaten their security. Resistance will be less if the employees agree that a problem exists

and change is important. Resistance will also be reduced if the changed project is open to revision should further change become necessary. Last, the change should include input from employees. Commenting upon the last principle--that pertaining to employee participation--Lawrence (1954) warns that the manipulation of employees to suggest that they are actually involved, will not work. Only participation based upon respect for the input of employees will result in acceptance of changes in the workplace.

Summary

The literature suggests that by responding to the security needs of the employees, the company can discourage the employees from seeking union representation. At the least, partial use of seniority rights in employment decisions is advised, particularly when lay-offs are involved. Employers are advised to provide safe working conditions and fair employment opportunities, and to handle carefully those changes which will effect the employees.

Compensation

A review of behavioral theory shows that there are many theories as to how pay affects workers, although it is not clear exactly how it does so (Lawler, 1976). The contributors to the preventive labor relations literature agree that the employer who intends to remain non-union must give adequate attention to his compensation plan. The concern for details of compensation plans varies among the writers but the point is clear--failure to maintain a competitive wage plan is an

invitation to unionization.

Jackson (1978) and Hoover (1982) maintain that relatively few union organizing drives are initiated because of wage and benefit programs. Jackson does however, recognize that competitive wages and adequate benefits provide an important defensive measure against organizational efforts. He points out that by paying wages which are approximately equal to wages paid workers who perform similar work, the employer can negate union campaign promises pertaining to increased wages. By exceeding area wage standards, the employer completely takes away the union's argument for higher wages, particularly if the employer's wages exceed those of unionized firms. Foulkes' (1980) study of large non-union firms indicated that those firms paid well by industry and community standards. Those firms seemed to be quite aware of, and responsive to, union wage settlements.

When structuring a pay plan--a plan which may be more attractive than plans of other firms--the employer should be cautious. By being the highest paying employer, the company may discourage or prevent dissatisfied workers from voluntarily leaving the firm. Unhappy workers may remain, possibly as troublesome, unproductive employees. Perhaps those employees will become the driving force behind a union organizational effort (Stone, 1978).

Wage surveys

Through wage surveys, the non-union employer may compare the wages he pays to the rates paid by other firms in the "relevant" labor market. The relevant labor market is primarily defined by the

nature of the job. Professional and managerial employees, for example, are considered to be in a national labor market. Occupations characterized by lower skills and less mobility are employed in more localized labor markets.

Companies can devise and conduct their own wage surveys. Telephone surveys provide quick answers and don't require much time, but often the researcher gets inadequate or useless information. Planned data-exchange meetings are generally more effective because of the personal interaction of the researchers. By personally exchanging compensation information, the participants are able to clarify differences in position titles and actual job content, providing more accurate wage comparisons (Patton, 1977).

The employer may stand to gain useful information from the thousands of wage surveys conducted by local employers' associations, chambers of commerce, specific industry groups, and state employment agencies. The Bureau of Labor Statistics (BLS) gathers wage data on members of labor unions and other "working" people. Because the BLS data is concerned primarily with unionized workers, it provides a good source of wage comparison for non-unionized employers. The American Management Association provides information on a number of executive, managerial, and lower-level supervisory positions. For information on clerical and office positions, employers can refer to the Administrative Management Society surveys.

Internal wage differences

Employers are primarily concerned with aspects of compensation which determine their competitive standing. However, the manner in which internal pay differentials are determined can affect the company's preventive labor program. According to Jackson (1978), employees are most likely to understand and accept wage differences if based on 1) longevity (seniority), 2) equitable classification by skill level, 3) measured incentive systems, or 4) shift differentials or other special circumstances.

Merit pay plans are not advised for use by non-union companies because the evaluation required by supervisors can be highly subjective, making the plan appear inequitable (Jackson, 1978; Kilgour, 1981). Indeed, Foulkes (1980) found merit pay plans common in large, non-union firms, but for a variety of reasons the plans were not administered as prescribed by company policies. Instead, seniority, automatic progression, and equal treatment were given much consideration. The companies seemed interested in avoiding the employee relations problems which can result from a merit pay plan which is perceived as inequitable.

Indirect compensation

Employee benefits have become a very important part of the total compensation package. A recent survey found that the average cost of basic benefits is 12 percent of total payroll, but the cost of benefits may run as high as 40 percent of the employer's compensation costs (Lindroth, 1981). The variety of available benefits is nearly limit-

less. Benefit programs include those required by law such as social security and workers' compensations, and "voluntary" programs which can be provided according to the preferences of the employer.

Discussion of specific aspects of benefit programs is available in a number of sources dealing with compensations, and not of primary concern here. The author's purpose is to identify guidelines for implementation of benefit programs which are thought to enhance the ability of employers to remain non-union.

Substandard benefits, like substandard wages, can be exploited by union organizers and can have a negative impact on a preventive labor relations program. By providing average benefits, Jackson (1978) feels the employer will not gain employee support; his benefit program will merely not be used against him.

By providing "cafeteria-style" benefits by which employees may choose a combination of benefits, the employer may appeal to the individuals' particular needs. Such a program may win the employer support (Dougherty, 1972).

Improvements in the benefit package should be considered final. Jackson (1978) cautions employers to never take away a benefit once it is given.

If, by necessity, the benefit package is substandard, Cabot (1978) recommends that the employer explain the situation to the employees. A weakness in one benefit may be negated by strength in another benefit area. If the entire package is below standard, the employees must be assured that the package will be improved when the

company's economic status improves.

Summary

Wages and benefits are clearly of concern to all employers. The employer who intends to remain non-union must not only consider the impact of compensation on employee motivation, profitability, absenteeism, and countless other aspects of the business; the employer must consider the effect of compensation on the preventive labor relations program. The employer must provide an equitable method of establishing internal equity. He must be sure his benefit program meets the needs of the employees. Finally, his over-all compensation must be competitive with other area firms.

Discipline

One of the most important things that a union typically will try to obtain for its members is an acceptable disciplinary system. The employer who intends to remain non-union must recognize the importance of a sound disciplinary system in preventive labor relations (Kilgour, 1981).

Kilgour (1981) points out that sound discipline will have a positive affect on morale. Employees generally want offenders to be caught and fairly dealt with; otherwise, a feeling of inequity may prevail. Most employees prefer reasonably strict discipline at work. This does not mean there is no room for flexibility; often extenuating circumstances must be considered, and many situations demand counseling instead of disciplinary action.

While the details of an appropriate disciplinary system will vary depending upon the type of work, the setting, and the company's management style, several general guidelines for discipline are suggested in the literature.

Rothenberg and Silverman (1973) recommend that work rules be carefully formulated and made readily available to all employees. The work rules should be written in simple, understandable language.

So that the company does not appear overbearing, discipline should not be over-emphasized. Only rules for which there is a need should be formulated (Rothenberg and Silverman, 1973). Jackson (1978) feels the employer should point out that the list of work rules is not all inclusive, meaning that employees engaging in unlisted acts of misconduct are still subject to disciplinary action.

A fair and equitable system should exist through which rules can be consistently administered. A progressive system of discipline should be followed, whereby the employee receives progressively more severe discipline for successive, similar offenses. Such a system might begin with counseling by a supervisor, progress to a warning, then to a suspension, and if necessary, to termination. Under a progressive discipline system, breach of a serious rule could subject an employee to immediate dismissal (Jackson, 1978).

Discipline should be constructive rather than punitive. With the exception of situations involving serious violations, disciplinary action should be directed towards improving job performance. This is especially important when a valued employee has unintentionally broken

a rule. By counseling the employee constructively, the employer can avoid alienating the worker (Jackson, 1978).

Judging by the emphasis in the literature, perhaps the most important guideline for disciplinary programs is to ensure that an appeals process is available to the employees. Whether or not the review process involves employee participation, the process must be perceived as fair and objective by the employees in order for them to accept it.

The open door

Jackson (1978) suggests employers implement an informal "open door" policy by which the employee, after failing to solve the problem with his supervisor, can take his problem or complaint to anyone in the company's management. In order for the policy to be effective, the door must truly be open, and management must be willing to devote sufficient time and attention to complaints so employees will not consider the discussions futile.

The majority of the companies which Foulkes (1980) investigated utilized some form of open door policy. Representatives of those companies insisted that open door policies were effective when formally established and if complaints were rigorously investigated and reviewed. The companies demonstrated a willingness to accept the validity of an employees complaint and made sincere efforts to respond to complaints promptly.

Jackson (1978) warns that the open door policy may pose some initial problems for supervisors because employees are encouraged to

"go over their heads". Special training may be necessary to enable supervisors to function within the bounds of an open door policy. Above all, the supervisors must know that they are not to interfere with the employees' rights to use the open door policy.

Grievance procedures

A formal grievance procedure provides the employee an opportunity to appeal an adverse action to persons at several levels of the company's hierarchy. Typically, the procedure is initiated when the supervisor receives a complaint from the employee. If the complaint cannot be resolved to the satisfaction of the employee, he may take the matter to the management level prescribed by the grievance procedure. The process may progress to the final step; in a non-union environment, usually review by a top official, or occasionally, by a grievance committee (Jackson, 1978; Foulkes, 1980). In rare instances, a non-union firm will provide for arbitration by a neutral third party as the final step of the grievance procedure (Stieber, 1979).

The perceived value of grievance procedures in preventive labor relations programs was demonstrated by the legislation of one traditionally anti-union state. Virginia instituted grievance procedures for state and local employees, to discourage efforts to allow those employees to unionize (Virginia, 1973).

Permitting employees to participate in the disposition of grievances (other than their own) involves a substantial risk. Such an arrangement may be viewed by the National Labor Relations Board as

evidence of a "company-dominated union", constituting a violation of Section 8(a)(c) of the National Labor Relations Act (Jackson, 1978; Murrmann, 1980).

Arbitration

In advocating arbitration rights for non-union employees, Stieber (1979) cites a survey of non-union companies regarding employee recourse to disciplinary action. Most of the firms had appeal mechanisms, but less than one-half had a formal complaint procedure. The firms which did have formal complaint procedures experienced problems with delays in resolving complaints and with employees' fear of reprisal. Two of the firms' procedures provided for third party arbitration, but neither had experienced arbitration. Foulkes' (1980) study showed that only four of twenty-six large, non-union companies had formal grievance procedures, and only two of them provided for third party arbitration. Foulkes discovered that grievance procedures were used relatively infrequently, and rarely did a grievance proceed to the final step. He attributes this to several factors, but primarily to 1) the effectiveness of other feedback mechanisms (as presented under "Communications" earlier in this Chapter) which identify and correct problems before they become grievances, and 2) pressure on supervisors to resolve problems on an informal basis.

Stieber (1979) insists that no matter how well-intentioned their efforts, management's decisions cannot have the employee acceptability of judgments made by neutral third parties. Stieber feels that most non-union complaint procedures lack credibility among employees because

the procedures have been unilaterally initiated and final decisions are made by management.⁹

Summary

The literature suggests that an equitable system of discipline is crucial to maintaining non-union status. Several guidelines for discipline are offered, but emphasis is placed upon the availability of an acceptable method of resolving problems in the work environment. The open door policy appears most often as a means of dispute settlement.

Detection of Union Activity

In the early stages of an organizational drive, the union will usually try to work discreetly so that the employer is unaware of the union activity. In most cases, only after the union organizer has established a solid base of employee support will he bring the campaign into the open. Often, the employer will first learn of organizational activity by a union demand for recognition or by an election petition filed by the union (Kilgour, 1981).

However, a few union organizers prefer to notify the employer, by a certified letter, that a campaign is under way and that certain named employees make up an in-plant organizing committee. The letter is proof that the employer knew of organizational activity as of a

⁹For additional suggestions for settling grievances in a non-union environment, see Neal Drought, "Grievances in the Non-Union Situation." Personnel Journal 46 (June 1967): 331-36.

certain date. Thus, the union could charge that the employer interfered with the employees Section 7 rights (under the National Labor Relations Act) if the employer changes conditions of employment or takes any adverse action against the identified in-plant organizers (Murrman, 1980a).

If the union drive is detected before the company officially learns of the union's presence, the company gains two advantages. The company can make changes in terms and conditions of employment which may help defeat the union campaign. Second, with lead time, the company can initiate an effective campaign (Kilgour, 1981).

Wilson (1977) advises employers to watch for the danger signals which usually precede union campaigns, and to be prepared to respond immediately. This section will review the signals which authorities claim indicate the presence of a union or situations which might foster a union drive. Employer guidelines for recognizing those signals will be also reviewed.

Communication channels

Employee complaints and dissatisfaction may be indicative of an environment which is ripe for union organization. By identifying and correcting problems, the employer denies the union organizer the opportunity to capitalize on employee dissatisfaction. Wilson (1977) suggests employers use personal interviews, attitude surveys, and exit interviews to detect patterns of employee unrest.

The use of communication channels to monitor employee unrest is not limited to those identified by Wilson (1977). Any communications

channel which involves feedback from the employees can be used to detect unrest. Many of the techniques presented under "Communications" earlier in this Chapter could regularly be reviewed by the employer for evidence that the facility may be susceptible to a unionization effort.

Personnel programs

The evaluation of data from various personnel programs can also be used to detect employee unrest which could lead to organizational activity. Jackson (1978) identifies the most important of those personnel programs which should be reviewed as part of the preventive labor relations program, as follows:

1. Attendance - excessive absenteeism or tardiness is sometimes indicative of employee dissatisfaction
2. Safety - according to safety engineers, an increase in accidents reflects employee unrest
3. Discipline - the number of disciplinary actions may indicate unrest, particularly problems involving a supervisor
4. Performance evaluations - if the program is otherwise reliable, a pattern of lower evaluations may reflect a morale problem

Personnel data can be particularly useful when broken down by work groups in order to identify problems in specific departments.

The supervisors' role

Dougherty (1974) and Kilgour (1981) feel that the best source of information regarding union activity is first-line supervision. Due to close contact with the employees, supervisors are usually in a position to detect signs of a union drive before it gets under way.

In order for supervisors to operate effectively as an early warning system, Kilgour points out that the supervisors must 1) realize the importance of detecting organizational activity, and 2) know exactly how to report such activity.

Perhaps most importantly, the supervisors must know precisely what activity and behavior they should look for. The distribution of campaign literature and the wearing of union buttons will be obvious. However, employee behavior during a covert campaign usually does not so clearly point out union activity. Thus, Kilgour (1981) suggests that supervisory training include techniques for identifying such behavior.

Some of the employee actions which may indicate the presence of organizational activity are identified by Hoover (1981) as follows:

1. The level of complaints increase, and the complaints may be made through employee delegations
2. Employees may associate with employees and employee groups other than those they previously associated with
3. Employees exhibit greater tendencies to question company policies
4. During breaks, employees visit different areas of the facility--different areas than previously visited
5. Employees avoid supervisors and speak in guarded tones when supervisors are present
6. Employees use previously unused (specific) words such as "security", "dignity", and "equity"
7. Anti-company graffiti appears
8. Employees are more aggressive in conversations with supervisors

Kilgour points out that supervisory and management personnel may listen to or receive communication regarding the union if it is voluntarily offered by employees. In fact, in many cases one or more employees will provide reports to the company concerning union movements. The employer should not however, question, interrogate, or directly poll the employees regarding the union. Engaging in such action can constitute illegal interference or restraint of protected union activity.¹⁰

Other employees

Included in the duties of certain service workers should be the responsibility to watch for union activity. Plant guards, timekeepers, clerks, and other employees--if not considered part of the group likely to be targeted for organization--should understand management's need to know of organizational activity. In emphasizing the importance of service workers, Dougherty (1974) suggests management instruct the employees as to how to report activity and direct them to enforce no-solicitation rules.

To prevent management from being caught unprepared by a union representative intent upon making a demand for recognition, Kilgour (1981) recommends that guards, secretaries, and receptionists require all visitors to identify themselves before being admitted to the premises. Further, office and clerical staff of the top management,

¹⁰Blue Flash Express, Inc., 1098 NLRB 591, 34 LRRM 1384 (1954). Strucknes Construction Company, Inc., 165 NLRB 1062, 1063, 65 LRRM 1385 (1967).

and personnel and labor relations staff should know how to handle a letter which contains (or appears to contain) a demand for recognition. (Management response to a demand for recognition will be reviewed later in this Chapter.)

Outside sources

The non-union employer can supplement his program of union detection by utilizing sources outside the company. As Jackson and Lewis (1972) point out, primary news sources such as major newspapers and magazines often report on organizing trends. The labor press itself (union publications) may indicate what particular unions are doing in the way of organizing.

Jackson and Lewis (1972) suggest other sources of information. Employer associations such as state and local chambers of commerce can provide information. Industry associations and trade publications can often supply useful information on union activity in specific industries or geographic areas.

Perhaps the best general source of union election activity--according to Kilgour (1981)--is the NLRB Election Report, issued monthly by the National Labor Relations Board. Elections are listed by the union involved, with union victories preceeding company victories. Additional information includes the employer's name and address (by city and state), the type of industry, nature of work performed by the bargaining unit, type of election held, size of the bargaining unit, and the voting results. Kilgour points out that the interested manager can focus in on the election activity of a

particular union, election activity in a specific geographic area, or election activity within a particular industry.

Informal communication with officials of other companies, sales representatives, and attorneys may also provide information on union activity (Kilgour, 1981). Academicians have also been known to provide relevant information. The important point derived from the literature is that the employer stands to improve his ability to detect union activity by broadening his detection efforts to outside sources.

Summary

Many techniques for detecting organizational activity appear in the literature. Communication channels which seek employee feedback are considered a means by which to discover problems which could foster organizational activity. Selected personnel data can also reveal such problems. Supervisors are usually in a position to detect employee behavior which accompanies organizational activity. The company's service employees may be important in union detection, and sources outside the firm may provide relevant information.

The presentation of techniques by which to detect organizational activity completes the review of long-term preventive labor relations techniques. The next section of this Chapter will deal with employer response to an actual organizing drive.

Short-Term Techniques for Union Avoidance

Employers who don't utilize the preventive labor techniques previously reviewed, and employers who are unsuccessful in using those techniques to prevent an organizational attempt, are still capable of resisting unionization. The remainder of this Chapter will deal with a review of the literature dealing with employer techniques to defeat an actual organizational campaign.

Responding to a Demand for Recognition

The union's objective in the organizing process is to get the employer to recognize the union as the representative of the employees. By recognizing the union, the employer is legally obligated to bargain with the union. Recognition may be granted voluntarily by the employer if the union demonstrates majority support of the employees. Recognition can be granted accidentally if the employer improperly handles a demand for recognition, or recognition can be granted through an election conducted by the National Labor Relations Board (Board). Husband (1969) cautions the employer, when faced with a demand for recognition, not to forfeit his right to an election by mishandling the situation.

Kilgour (1981) points out that a demand for recognition may come before or after the employer is aware of organizational activity. The demand may be made by personal visit, through an employee delegation, by mail, by telephone, or by an election petition filed with the Board. Kilgour emphasizes that each situation calls for specific reaction by

the employer.¹¹

Many of the authorities appearing in the literature (Dougherty, 1972; Rothenberg and Silverman, 1973; Lewis, 1974; Cabot, 1978; Kilgour, 1981) identify personal visits by union representatives as the most common means of presenting a demand for recognition. During such a visit, the union representative will likely offer to demonstrate the union's majority support by showing the employer signed authorization cards. The advice of the authorities is uniform for employers who receive a demand visit; the employer should not check the cards, nor allow other company personnel or third parties to do so. By looking at the cards, or otherwise being made aware of the union's majority status, the employer may become legally bound to recognize the union.

Husband (1969), Lewis (1974), and Cabot (1978) advise the employer to express doubt as to the union's majority status and to question the appropriateness of the bargaining unit as proposed by the union. The union representative should be told that an election conducted by the Board is the appropriate manner in which to resolve the issue of representation.

Cabot (1978) further advises employers not to fulfill any union requests nor allow the union to conduct a campaign on company premises. The employer should not answer questions about the employees, the business, or the employer's feelings about the union. The meeting should be terminated as quickly as possible; legal counsel or appropri-

¹¹For a discussion of these situations, see Chapter 10 of John G. Kilgour, Preventive Labor Relations, New York: Amacom, 1981.

ate company personnel should immediately be advised of the demand for recognition.

Regardless of how the employer learns of the demand for recognition, he must respond carefully. Rothenberg and Silverman (1973) warn that a great deal of damage can be done to the company's anti-union campaign by the employer who, through anger or ignorance, inappropriately responds to the employees' "treachery" (p. 178).

Kilgour (1981) recognizes that the appropriate response of the employer will depend upon many factors and that each case must be considered on those factors. He suggests the employer attempt to isolate the sources and actual causes of the problems which initiated the organizing efforts before actually launching a counter-union campaign.

The importance of the employer's response to a union demand for recognition is emphasized, primarily by practitioners. Employers are cautioned not to agree to any union requests or demands and, above all, not to inspect authorization cards.

Managing the Company Campaign

Labor consultants and attorneys

The employer's need of competent legal advice during an organizational campaign is emphasized by the authorities who contribute to the literature. The writers point out that the complexity and continually changing nature of labor law requires the help of one knowledgeable in labor law. The literature often refers to "consultants"

and "attorneys", labels which often can be used interchangeably.

Dougherty (1972), while emphasizing the value of a competent labor attorney, recognizes the existence of legitimate, knowledgeable consultants who are not attorneys. Dougherty warns employers to use care in selecting consultants because some use illegal and distasteful methods which don't necessarily serve the best interests of the employer.

Cabot (1978), a well known labor attorney, strongly advises employers to obtain experienced labor expertise (whether it be an attorney or consultant) when faced with an organizational campaign. With competent assistance, management can initiate a rational campaign that is both lawful and effective. Cabot points out that an outside professional not only provides legal advice, but lends objectivity to the situation--objectivity which the employer often is unable to maintain when an organizing campaign is at hand.

Kilgour (1981) advises employers to check carefully a law firm or consulting firm before engaging its services. Because labor law is specialized, and because the firm is in a critical situation, only a firm with a proven record and expertise should be used. Inexperienced university professors and untried labor specialists should be avoided.

Labor attorneys and consultants receive sharp criticism from union leaders and union advocates. Kistler (1977), of the AFL-CIO, considers consultants no longer simply a recourse to management in individual situations, but as an institutionalized resource of management, acting to choke off union growth. Kistler relates the use of

consultants to the "...increasingly intensive employer opposition to union organizing and the increasing willingness of employers to violate the law in their anti-organizing efforts" (p. 540). Referring specifically to several of the consultants and attorneys referenced in this paper, Payne (1977) charges labor specialists with manipulating the National Labor Relations Act and the minds of workers by using psychological techniques such as attitude surveys.¹² As if to respond to Payne's charge, two of those accused attorneys offer only one basic rule for employers: "Comply with the law as it is expressed on the books, down to its very last punctuation mark!" (Rothenberg and Silverman, 1973, p. 132).

Imberman (1980) refutes the union claim that consultants and attorneys are a factor in the decrease in unions' election victories. Imberman presents a list of sixty-eight major firms (across industries) which have lost 50 percent or more (some as many as 75 percent) of their union elections. Because many of the firms practice union-avoidance with the guidance of labor experts, Imberman suggests the election results reflect minimal effectiveness of consultants.

Lawler (1981) conducted a much more rigorous assessment of the impact of consultants. Lawler quantified the effect of consultants on 155 Board elections (including twenty-five decertification elections)

¹²The reader interested in labor's efforts to curtail the power of consultants and attorneys who assist employers in non-union programs, may wish to read two publications of the Center to Protect Workers' Rights, From Brass Knuckles to Briefcases: The Changing Art of Union-Busting in America (n. p. 1979) and Union-Busting and the Law: From Benign Neglect to Malignant Growth (n. p. 1980).

in retail grocery outlets. The study suggested that the use of consultants substantially reduces the probability of (1) employees voting for union representation and (2) a union election victory.

Campaign committees

Dougherty (1972) advises companies to use a task force to plan and execute the company campaign. The group would set the timetable for the campaign, delineate issues to be emphasized, plan and prepare communications, determine the image the company hopes to project, and select speakers. Consultants, if employed, could head the committee or serve in an advisory capacity. In any event, the committee should have the services of competent legal counsel.

The use of a campaign committee presents a specific danger according to a study reported by Stone (1978). With many people serving on the campaign committee, often nobody really knows who is ultimately responsible for running the campaign. The danger in reliance upon an inside committee--referred to as "groupthink" by Janis (1971)--can be alleviated through the involvement of outside people who are knowledgeable in the area, yet removed from the organization.

The campaign manager

Hoover (1981) feels it is important for one person to be in charge of running the management campaign. Depending on the circumstances, that individual may require assistance from others in the company, as well as legal advice. The manager should direct all aspects of the campaign and should be expected to concentrate his efforts only on the campaign.

Lawson (1977) points out that by having a central authority, 1) there exists less chance of making mistakes which could lead to an unfair labor practice charge, and 2) the employees will not hear conflicting statements which could damage the company's credibility. The campaign manager can also serve as a medium for feedback from employees and supervisors, allowing the firm to evaluate their campaign program.

The literature reflects disagreement concerning who is the most appropriate party to direct a company campaign. The possible campaign directors which are identified--outside specialists, committees, and inside managers--are not necessarily exclusive. Rather, they can be employed in combination, with differing areas of responsibility.

Campaign Communications

During the organizational campaign the company will be concerned with 1) preventing the union from gaining enough employee support for an election, or 2) persuading the employees not to vote for union representation. A review of the literature reveals that a great deal of emphasis is placed upon communications as a means of defeating the organizational campaign.

Many of the communications channels reviewed previously in this chapter will again be reviewed in order to determine how labor experts suggest those channels be used in the company's anti-union campaign. First, some general guidelines pertaining to campaign communications will be reviewed.

Lawson (1977) urges employers to consider the educational level

of the employees so campaign messages can be understood by the least educated employees. Except in rare cases, simplicity should be the rule. Conversations, speeches, and written literature should be structured in short sentences and paragraphs. Managers and supervisors should avoid speaking too rapidly when addressing the employees.

Kilgour (1981) cautions the employer to beware of the legal requirements of campaign "speech". The election may be set aside if the winning party engages in substantial misrepresentation, if deemed by the Board to affect the election outcome. This does not mean that everything said during the campaign must be completely accurate; it is assumed that both sides will exaggerate their positions, and the employees are presumed knowledgeable enough to see through such exaggeration. Hudson and Werther (1977) point out that standards are usually applied more stringently for employers than for unions. This is because employers typically have more influence over the employees, and more power with which to carry out statements which may be regarded as threats or promises.

Truesdale (1979) justifies the Board's return to the position in which the Board would evaluate statements for misrepresentation.¹³

¹³The Board, in *Hollywood Ceramics Company, Inc.* (140 NLRB 221, 224, 51 LRRM 1600 [1962]), ruled that any misrepresentation which interfered with the employees' rights to make a free choice, could result in the election being set aside. In *Shopping Cart Food Market, Inc.* (228 NLRB 1311, 94 LRRM 705 [1977]), the Board held that it would no longer probe into the truth or falsity of campaign statements. The Board returned to the *Hollywood Ceramics* standards in *General Knit of California, Inc.* (239 NLRB 101, 99 LRRM 1687 [1978-79]).

Referring to the Getman, Goldberg, and Herman study (1976), which showed that 81 percent of the employees voting in union elections did not change their vote as a result of the campaign, Truesdale emphasizes the importance of the remaining employees. The 19 percent of the employees who were initially undecided or who voted contrary to their initial intent constituted the determining votes in nine of the thirty-one elections studied. Truesdale concludes that the campaign is a significant factor in the employees' decision to vote and therefore campaign speech should be regulated by the Board.

Management speeches

Speeches presented by management are considered by several labor experts to be the most effective means of influencing employees' votes in an election (Dougherty, 1972; Lewis, 1974; and Cabot, 1978).

Kilgour (1981) offers guidelines for management in determining who should present the speeches. The speaker should have enough stature in the company to speak in an authoritative and knowledgeable manner. However, top executives may not be good choices because of the distance between them and rank-and-file employees. An individual who is popular and articulate would be a good choice; under no circumstances should an outside attorney or consultant be used as a speaker.

Speeches are more effective in a campaign if they have been used prior to campaign activity. Jackson (1978) warns that, if the company has not regularly presented speeches to the employees, it may appear to the employees that until the union appeared, management was not interested in speaking to the employees.

Speeches should be used sparingly, according to Kilgour (1981); otherwise the speeches may alienate the workers. Kilgour suggests that two speeches are usually sufficient; one speech early in the campaign to explain the company's position on unionization, another speech late in the campaign to address issues which have arisen during the campaign.

Kilgour (1981) advises that speech format and content be given careful consideration. The speaker should know exactly what he wants to say and should follow a written outline. The speech should be reviewed, and perhaps written, by legal counsel. Cabot (1978) suggests that the speech be recorded so that if an unfair labor practice charge claims that the speech violated the law, the documentation can refute the charge.

A particularly effective speech, according to Kilgour (1981), is one presented to all the employees on working time, usually called a "captive-audience speech". Such a speech is particularly effective if conducted shortly before the election, as the employer has an opportunity to respond to, and clarify issues raised by the union. The speech must be completed twenty-four hours before the election, unless the company allows the union to address the employees on company property.¹⁴

Group meetings

Another successful means of communicating the company's campaign messages, according to Dougherty (1972), Lewis (1974), Cabot (1978),

¹⁴Peerless Plywood 107 NLRB 427, 33 LRRM 1151 (1953).

and Kilgour (1981), are small group meetings between management and the employees. Cabot feels that group meetings serve as an excellent means by which to respond to rumors or legitimate issues raised by the union. Group meetings, as Kilgour points out, are particularly appropriate for addressing issues which are of concern to specific groups of employees.

Although Getman, Goldberg, and Herman (1976) maintain that company and union campaigns do not significantly affect the voting dispositions of employees, the authors' study does point out the company's advantage in affecting the vote of previously undecided employees. Because of the company's greater ability to get employees to attend meetings, employees exhibit a higher degree of familiarity with company campaign issues than union issues.

Kilgour (1981) cautions employers to select meeting locations with care. Meetings that are held in locations that are focal points of management authority may be considered by the Board as coercive in nature, regardless of the meeting's content.¹⁵ Further, Kilgour recommends that meetings be conducted by company personnel who normally interact with the employees, thereby, not creating a threatening situation.

Letters

Imberman (1977) feels that writing letters to employees is usually an inappropriate medium for conveying the company's campaign messages, because most workers who are subject to union organizing

¹⁵Peoples Drug Stores, Inc. 119 NLRB 634, 41 LRRM 1141 (1957).

efforts rely very little on the written word for information of any kind. However, many labor experts (Dougherty, 1972; Lawson, 1973; Cabot, 1978; Kilgour, 1981) consider written messages an excellent means of campaign communications. Indeed, the Getman, Goldberg, and Herman study (1976) reflected a significantly higher degree of familiarity with company campaign issues from employees who had been exposed to written campaign material.

Kilgour (1981) acknowledges that the appropriate number of letters, and their content, will depend upon specific circumstances; he does, however, offer basic guidelines. Kilgour considers three to five letters appropriate for most campaigns, each dealing with a single important issue, and each fitting into the over-all communications strategy. Letters should be of reasonable length and signed by a respected management representative.

Additional communications efforts

Cabot (1978) suggests four additional channels of communicating during the campaign. A message placed in the employees' pay envelopes can show the employees how much money would have been taken from their pay checks if union dues and other union fees had been deducted. Posters can be used to discredit the union. The posters may deal with union corruption, strike record, or new releases which place the union in a bad light. Handbills or pamphlets can be used for specific messages. Audio-visual presentations may also effectively convey campaign messages.

Summary

The company, having more control over the employees, is in a better position to communicate with them, than is the union. Many communications channels are available, and some disagreement exists over the relevant value of each. Legal considerations are emphasized in all aspects of campaign communications.

The Campaign

Timing of the campaign

Kilgour (1981) urges the employer to fully utilize his control over the timing of the campaign. Although the union is usually able to initiate the organizing process to its own advantage, once begun, the campaign can be timed so that the employer can implement an organized, effective campaign.

Lewis (1974) feels that once the employer is made aware of the campaign, an immediate response is necessary. That response should not be the beginning of a full-blown campaign. Instead, the employer should simply tell the employees that he is opposed to the union and indicate his willingness to fight the organizational attempt. Lewis suggests the formal campaign begin three to four weeks prior to the election so that the campaign peaks shortly before the election.

Kilgour (1981) agrees that a three to four week campaign is most effective. A shorter campaign may not allow the company time to convey its messages without deluging the employees with information. A campaign which lasts too long may move too slowly to retain employee interest.

Taking the principle of a short campaign a bit further, Anthony (1978) advocates maintaining a low-profile campaign until seven to ten days before the election, at which time the company would emphasize its major issues.

A relatively short campaign presents the employees with a fresh message--compared to the messages of the union, which may have been over-used--and may provide the employees with a new viewpoint. The union's opportunity to respond to company issues will also be minimized by a short campaign (Kilgour, 1981).

The advice of Rothenberg and Silverman (1973), and Cabot (1978) is compatible with, but not restricted to, the strategy of a short campaign. Those authors suggest that the issues which the employer considers strongest to the company campaign be held until late in the campaign for maximum effectiveness.

Delaying the election

Dougherty (1972) and Kilgour (1981) point out that, by delaying the election, the company disrupts the union's organizing schedule, often creating a more lengthy and more costly campaign. The company also gains time in which its counter-union campaign can be implemented.

While cautioning employers that excessive company efforts to delay the election can lead to election objections or unfair labor practice charges, Kilgour (1981) acknowledges the advantage of delaying the election by refusing to stipulate to anything. The company can prolong Board proceedings by disputing the jurisdiction of the Board, by challenging the appropriateness of the proposed bargaining

unit, or by disputing the union's standing as a labor organization.

By declining to sign an agreement for a consent election (in which the regional director of the Board rules upon objections, and the election takes place fairly quickly) the employer can be sure the election will be held according to one of two, more time-consuming formats. In a stipulation for certification upon consent election, the parties can appeal the regional director's rulings to the Board. If the parties cannot agree to election details, the regional director may direct that an election be held (Kilgour, 1981).

The effect of election delay is of great concern to unions. According to Prosten (1978), each month of delay between the filing of an election petition and the election, increases the employers chances of defeating the union; the average decrease in union victories being 2.5 percent per month, over the first six months of delay. To support his claim that the "...most pervasive source of increased delay is an apparent purposeful shift in election format..." (p. 243), Prosten points to the relative decline in consent elections. In 1962, 46.1 percent of all elections were by consent, in 1977 only 8.6 percent were by consent. The trend Prosten identified appears to be continuing; in 1980 consent agreements had decreased to 4.3 percent of all representation cases (NLRB 45, Table 10).

None of the authorities referenced in this paper (openly) recommend the use of illegal delay in organizing campaigns. However, Greer and Martin (1979) argue that illegal delay is economically feasible because of the availability of Board procedural delays and inadequate remedial measures. Using a decisional model, Greer and Martin explain

why a rational employer may decide to commit an unfair labor practice in an effort to delay an election. The authors claim that by so doing, the employer can incur lower total costs than the costs associated with legally meeting the organizing challenge. Because illegal delay usually involves low social costs and no criminal charges, the authors see the decision as one based only upon economic cost.¹⁶

There are potential advantages to agreeing to a consent election. For example, Cabot (1978) points out that the union may concede to the company's preferred definition of the bargaining unit if the company signs a consent agreement. As Kilgour (1981) explains, the union may agree to have the election held on a day which is advantageous to the employer; perhaps right after payday, shortly after a highly visible labor strike is expected, or at a time when the employees are not expected to be particularly busy.

Employer election petition

Typically, the union or pro-union employees will file an election petition with the Board. Dougherty (1972) points out some situations in which the employer may derive some advantage from filing the petition himself. An employer petition may indicate that the company is not afraid of the union, and may reflect the company's

¹⁶The campaign carried out by J. P. Stevens Company resulted in substantial social costs and the threat of criminal action against company officials. See Walter Guzzardi, Jr., "How the Union Got the Upper Hand on J. P. Stevens," Fortune 97 (June 19, 1978): 86-98.

respect for the employees' judgment in deciding if they want union representation. Of greater importance, if the union is not yet fully prepared for the election, an employer petition may force the union to withdraw from organizing, or result in the union losing the election.

A review of elections held in 1980 suggests that the filing of an employer petition may constitute an effective strategy. Of all the elections (involving only one union) which were initiated by an employer petition, only 18.3 percent were won by unions. That compares with a 47.4 percent victory rate for unions (in elections involving only one union) in which petitions were filed by the union or the employees (NLRB 45, Table 13).

Campaign issues

Because the union initiates the campaign, the union will usually define issues through which it hopes to influence the election outcome. Rothenberg and Silverman (1973) suggest that, in most cases, the employer allow the union to take the lead in identifying issues. By so doing, the company does not become engaged in a war of promises --promises which could constitute illegal activity.

The company may, however, wish to introduce issues of its own during the campaign. Lewis (1974) and Kilgour (1981) feel that the company may be able to encourage the employees to vote against union representation by introducing issues of an anti-union nature. The company may point out some personal disadvantages of union membership such as 1) costs for the individual--dues, initiation fees, and fines,

2) restriction of the individuals freedom to deal with the employer, and 3) working according to the dictates of the union.

Jackson (1978) points out that the union movement in general may be an issue by which to persuade employees not to support unionization. The consequences of labor strikes, labor leaders' association with criminal elements, and instances of union corruption can hurt the union's organizing efforts.

Lewis (1972) and Hoover (1982) explain that the company may be able to present negative aspects of the particular union conducting the organizing campaign. The Labor-Management Reporting and Disclosure Act of 1959 requires labor organizations to file Form LM-1 and Form LM-2 with the U. S. Department of Labor. From these forms, the employer may glean such information as union officers' salaries and expense accounts, records of fines and assessments, and certain constitutional and by-law provisions. Appendix A contains samples of forms LM-1 and LM-2.

In an examination of voting tendencies, Youngblood, DeNisi, and Mobley (1981) found that attitudes towards unions was a major predictor of voting intentions. Respondents described their image of labor unions along four measures: union corruption, unions' strength, union representation of women, and the necessity of unions (given current laws). The effect of labor union image on voting tendencies was significant across all subgroups (white collar/blue collar, male/female, black/white). The authors conclude that workers must have a positive view of labor unions in order to support unionization, the implications being quite relevant to the non-union employer.

Kilgour (1981) warns employers that all anti-union campaign material should be reviewed by counsel. In general, material is acceptable if it is accurate, relevant, and not unduly inflammatory.

Number of campaign issues

Rohan (1976) suggests that most election-outcomes depend primarily upon one or two key issues; therefore, selection of those few issues upon which the company campaign will be based, is critical. Kilgour (1981) assumes that management--if its communications program is effective--will have a good idea of what issues are of importance to the employees.

In the study by Getman, Goldberg, and Herman (1976) the average company campaign contained approximately thirty issues. A negative relationship existed between the number of issues and the employees' familiarity with those issues, indicating that the employees remembered more about company campaigns in which there were few issues. On the average, employees recalled only three company issues. The study identified the most important company campaign issues--those most often used, and those recalled by the greatest percentage of employees.

The three most important issues were:

1. Improvements in employment were not dependent upon union involvement;
2. Union-related costs to the workers would be greater than gains provided the workers;
3. The union is an outsider who will harm the employer-employee relationship.

Kilgour (1981) cautions employers not to rest their campaign

only upon a few issues. Employee voting may be influenced by matters they do not consciously recall, or by content of the campaign which is not of specific importance. Some employees may be influenced by relatively minor issues.

Rothenberg and Silverman (1973) and Cabot (1978) consider it important that the employer be discerning in establishing issues. Responding to every trivial union charge can bog down the campaign. Instead, the company should deal only with material issues, refuting all falsehoods with facts.

Summary

Several strategies for the company campaign are specified in the literature. The employer is advised to conduct a relatively short campaign to provide a fresh viewpoint for the employees, and to withhold important issues until shortly before the election. The value of delaying the election is acknowledged by academicians, practitioners, and union personnel. The use of employer election petitions is presented as a means of disrupting the unions campaign schedule. The literature suggests that the specific campaign issues emphasized, as well as the number of issues, are crucial to the election.

Election Conduct and Election Results

The representation election usually marks the end of the campaign for both parties. If the union loses the election, union officials will consider the chances of preparing for a more successful election at the facility (another election may not be held in the same

bargaining unit in the twelve month period following an election). If the union wins the election, both sides will begin preparing for the next stage of labor-management relations--collective bargaining.

The election

There are, however, some considerations to be given to the actual election and the election results. Kilgour (1981) suggests the employer approach the election with two purposes. First, as in all phases of preventive labor relations, the employer must be careful not to engage in activity which may support union objections which could result in the setting aside of a company election victory. Second, the company should be prepared to observe and document any activity of the union (or the Board) which could support employer objections filed after a union election victory.

Prior to the voting, the Board agent in charge will designate an area surrounding the polling place in which employees are to be free from last-minute campaigning. Because the Board agents are not sure to spot any illegal campaigning, Cabot (1978) advises employers to control the movement of union personnel who are present. To prevent unauthorized union campaigning, the employer should prevent union representatives from wandering around the premises and should personally escort union personnel in and out of the facility.

Each party is permitted to have one or more observers present at the election. The observers are to 1) ensure the election is conducted fairly, and 2) challenge the ballots of those individuals who may not be eligible to vote. Cabot (1978) and Kilgour (1981) sug-

gest that a dependable non-management employee from the company be chosen as an observer and that that person be instructed to challenge the ballots of employees whom the company feels should not be allowed to vote. As the observers will also be present during the counting of the ballots, Lewis (1974) suggests the company observer ensure that votes cast for union representation which are not clearly marked, not be counted.

Election results

After the election, a certification of the conduct of the election is signed by each party's observer. Because the signing of the certificate could preclude the raising of certain objectives, Cabot (1978) suggests that counsel for the company determine the propriety of the election before permitting the observer to sign.

After the ballots have been counted and the election results disclosed, objections to the election may be filed by either or both parties. Objections may pertain to the conduct of the election, or to conduct affecting the election results, such as threatening or coercive statements (Cabot, 1978). Because the employer's duty to bargain with the union is suspended until objections are resolved, Kilgour (1981) acknowledges that the filing of objections is a means of stalling--one way in which the employer may choose to deal with a union election victory.

By filing election objections, the employer may succeed in having the election re-run, providing the company another chance to defeat the union. Even without a re-run, the delay may erode the power

of the union in bargaining efforts: the erosion of power may even result in a decertification movement. At the least, the employer will likely postpone the time at which he must bargain with the union.

In 1980, of the 7,612 representation elections closed (excluding decertification elections), objections were filed in 970 elections (12.7 percent). Of the 1,181 total objections filed in those elections, 503 were filed by employers (42.5 percent); 654 (54.8 percent) were filed by unions; the remainder were filed by both parties. Only 195 (16.5 percent) of those objections were sustained by the Board. One hundred and forty-six elections were re-run, thirty-six of which resulted in a reversal of the original election (NLRB 45, Tables 11B, -11E).

The small number of election results which are reversed following election objections suggests that the filing of objections is not a particularly significant union-avoidance technique. But to the few employers who have succeeded in having union election victories reversed, the value of election objections is very real.

Employee Relations

"An effective preventive labor relations program must be based on sound personnel practices" (Kilgour, 1981, p. 111). The literature clearly indicates that the employer who intends to remain non-union must carefully evaluate each aspect of employment within the company. Failure to objectively implement personnel practices, and to effectively respond to an organizing effort, may subject the company to a weakness upon which a union organizer can capitalize.

The implementation of a technically sound preventive labor relations program may not be sufficient to maximize the employer's protection from union organizing. Labor experts and academicians point out that the atmosphere which exists within the company is crucial to successful union-avoidance efforts. Only by convincing the employees that their well-being is of concern to the company, will the employer maximize the utility of preventive labor techniques.

A study of labor elections which were won by unions attempted to identify the mistakes which managements were thought to have made in their anti-union efforts. Among those mistakes was concentration upon wages, while often the real problem centered around the absence of fair, decent, and honest treatment of the employees (Stone, 1978).

An environment in which employees receive such treatment is unlikely to develop in a facility in which there is a sharp division between the management team and the employees. Jackson (1978) feels that an environment conducive to the proper treatment of employees, demands that management personnel not consider themselves superior to the employees. While holding that management personnel should identify with leadership and responsibility, Jackson suggests that, by emphasizing employee participation in the business, management can eliminate the tendency of employees to view management as an adversary.

Company sponsored picnics, parties, and sporting events can promote friendly management-employee interaction (Jackson, 1978). By conducting an open-house, the company can provide employees an opportunity to show their families how the workers fit into the company's

operations (Cabot, 1978; Jackson, 1978). Service awards, employee discounts, suggestion awards, and complimentary food can strengthen employee commitment to the firm. Personal counseling services for employees who experience serious problems may be quite helpful in gaining employee loyalty (Jackson, 1978). Employee assistance programs can be developed to respond to a wide range of employee problems (Ford and McLaughlin, 1981).

The employer can express his concern for the employees in other ways. Cabot (1978) points out that a program which provides short-term, interest free loans to employees in emergency situations, or the recognition of a special occasion for the employee (perhaps paying for dinner for employee and spouse), will demonstrate interest and concern.

Dougherty (1972) suggests that an attempt to help the worker develop himself to his full capabilities can improve the employee's trust in the company. Development activity might include job rotation, special assignments, company-financed coursework, and leaves-of-absence for training purposes. A fair, objective performance-review process will tell him what he must do in order to advance.

The role of the first-line supervisors in creating a positive employee-management environment should be emphasized by management. Hamner and Smith (1978), after studying employees from 250 work groups, developed a model which explained 30 percent of the variance in union activity taking place in those work units. Of the thirteen measures of employee attitudes used in the model, three dealt with the leadership and supervision the employees has been exposed to. Fleishman and Harris (1962) found that supervisors who were rated by their subordi-

nates as being considerate were able to solve problems which, if not for supervisory style (being considerate), often resulted in grievances and turn-over. A study by Harrison, Johnson, and Rachel (1981) indicated that employees who perceive their supervisors as being considerate and supportive were much less likely to vote for union representation than employees who see their supervisors as non-supportive. That study also compared responses between the companies, and found a consistent negative relationship between supervisory consideration and union support.

The implications of the previous three studies is straightforward. The influence of supervisors upon organizing activity and voting behavior should be applied to preventive labor relations programs. The employer must be sure that supervisors positively contribute to the non-union effort.

Imberman (1977) reminds employers that establishing an environment wherein employees are treated in a fair, decent, and honest manner is a laborious process. Getting management personnel to deal with employees in such a manner is a great deal more difficult than implementing some of the more mechanical techniques previously discussed in this Chapter. Perhaps this is because, as one personnel manager explained, the key to effective preventive labor relations is "respect for the employees" (Burks, 1981). That respect is not easily taught.

CHAPTER III

METHODOLOGY

Through the literature review, a large number of specific techniques have been identified that may be useful to employers in their efforts to deter unionization. The purpose of this research was to determine which of these techniques are actually related to employer success in avoiding unionization.

A mail survey methodology was used to collect data from employers concerning their actual union-avoidance practices. This method of data collection was selected because it enabled the researcher to contact a substantial number of employers in a reasonably inexpensive fashion. The only alternative would have been to conduct in-depth interviews with company representatives by telephone or on-site visits. An interview approach would have severely limited the size of the sample or would have been prohibitively expensive.

Limitations of the Methodology

The mail survey methodology imposed two limitations upon the study. Some of the union-avoidance techniques identified in the literature review could not be accurately documented through a mail survey, either because they were very complex or because they involved sensitive or illegal activities. In order to enhance the quality of the data that was collected, and to increase the rate of response to the survey,

some of the complex or sensitive techniques were not dealt with, or only lightly touched upon in this study. The formulation of hypotheses reflect the limitations on the data to be collected.

Second, the response rate was probably lower than could be expected with face-to-face or telephone interviews. Respondents typically find it easy to choose not to complete a mail questionnaire. To address this problem, efforts were made to contact potential respondents by telephone, before the questionnaires were mailed.

Formulation of Hypotheses

Based upon the findings of the literature review, the author formulated twenty hypotheses concerning union-avoidance techniques. Research questions derived from the literature, and survey questions designed for data gathering purposes, are presented in Appendix E.

Hypothesis 1 was devised from that portion of the literature which called for a formal, written plan which coordinates the various parts of the preventive labor relations program.

H₁: Development and implementation of a formal, written plan by which to remain non-union will increase a firm's ability to remain non-union.

A review of the literature revealed no clear consensus concerning the effectiveness of hiring employees on the basis of group tendencies to support, or not support, unionization. The author assumed that such perceived group tendencies, with the exception of union infiltrators or active union supporters, were unreliable.

H₂: Efforts to hire particular types of employees who are considered unlikely to vote for union representation will not increase the company's chances of remaining non-union.

Labor experts explain the need for, and the means of, communications in preventive labor relations. Due to the emphasis in the literature placed upon communications, the author hypothesized the following:

H₃: Companies which place emphasis upon communications with their employees as a regular part of business operations are less likely to become unionized.

H₄: Companies which emphasize personal communication are less likely to become unionized.

Because companies may not actually try to hinder the organizing process, and because organizers' resourcefulness may enable them to minimize or negate such company efforts, hypothesis 5 was developed.

H₅: Companies can improve their ability to remain non-union by making the union organizing effort more difficult.

According to researchers and labor relations specialists, identification of employee attitudes is crucial to remaining non-union.

Hypothesis 6 is designed to test the usefulness of attitude surveys.

H₆: A program by which to identify and respond to employee attitudes can improve a company's chances of remaining non-union.

The literature indicated that the non-union employer must provide his employees with a sense of job security. Hypothesis 7 was developed to evaluate company efforts to respond to security needs.

H₇: By responding to the security needs of the employees, a company can decrease its chances of being unionized.

Some authorities feel that firms often overlook important aspects of preventive labor relations due to preoccupation with compensation.

Such a claim, while possibly valid, serves to highlight the importance of competitive compensation. Hypothesis 8 was designed to evaluate the effect of firms' compensation on non-union status.

H₈: A company's efforts to maintain a competitive wage position will increase its chances of remaining non-union.

The literature suggests that no aspect of preventive labor relations is as important as the need for a workable, fair, disciplinary system. The author assumed that nearly all firms have some type of disciplinary system. Hypothesis 9 was intended to evaluate key aspects of disciplinary systems as to their ability to effect a firm's susceptibility to unionization.

H₉: By establishing and maintaining a disciplinary system which is equitable, a company can reduce its chances of becoming unionized.

Hypothesis 10 was developed in order to determine which, if any, company techniques were effective in detecting organizational activity and how such a program of detection can aid a company's non-union efforts.

H₁₀: A program implemented to detect organizational activity will provide the company a better opportunity to defeat an organizational attempt.

A substantial part of the literature emphasized the need for utilizing a labor relations specialist when conducting a counterunion campaign.

H₁₁: Companies will be more likely to win a representation election if their campaigns are directed by labor specialists.

The emphasis in the literature placed upon campaign communications is the basis for Hypotheses 12 through 14.

H₁₂: Companies which use many channels of communications in the election campaign will be more likely to win their elections.

H₁₃: Company campaigns which emphasize personal communications will be more effective than companies which do not.

H₁₄: Company sponsored "captive audience speeches" will be effective in winning union elections.

A number of authorities suggested that the non-union employer can affect the election outcome by influencing NLRB proceedings.

H₁₅: Companies can improve their chances of winning a representation election by influencing the timing and outcome of NLRB administered proceedings.

Although company election campaigns can take many forms, a few general strategies appeared often in the literature. Hypotheses 16 through 19 were designed to determine which of these strategies are effective.

H₁₆: An "offensive" company strategy, in which the company primarily introduces its own issues, is more likely to defeat the union than a "defensive" strategy.

H₁₇: Company campaigns which concentrate on a relatively few major issues will be more effective than campaigns which attempt to address all issues.

H₁₈: A company campaign strategy which holds the strongest issues until relatively late in the campaign will be more effective than a strategy which calls for repeating those issues throughout the campaign.

H₁₉: Company efforts to point out to the employees some negative aspects of unionism will increase the company's chances of winning the election

The literature, while identifying many union-avoidance techniques, offered no consensus as to which techniques were most successful. Further, the literature did not conclude whether effective preventive labor relations depends upon implementation of a wide range of preventive techniques or use of a few, basic techniques. Hypothesis 20 addresses that question.

H₂₀: Companies which have won Board elections can be distinguished from companies which have lost elections by the use of relatively few, particular, union-avoidance techniques.

Data Gathering

Selecting the Sample Group

The author determined that an appropriate list of companies must come from recent NLRB representation cases which were not yet published. An examination of the NLRB Election Report revealed that the two regional offices of the NLRB nearest Virginia Polytechnic Institute and State University each experienced enough elections to provide a sufficient number of cases for the intended analysis.¹⁷

¹⁷A review of multivariate analysis in Donald F. Morrison, Multivariate Statistical Methods, 2nd Ed. (New York: McGraw-Hill, 1976) suggested that the number of responses employed in most forms of multivariate analysis should be at least twice as great as the number of variables being tested. Reference to Paul G. Hoel, Elementary Statistics, 4th Ed. (New York: John Wiley and Sons, 1975) indicated that each variable would approach normal distribution near twenty observations. Assuming that no more than ten variables would be entered into the anticipated analysis, the author determined the need for approximately twenty or more observations from each group (election winners and losers).

Region 2 (headquartered in Winston-Salem, North Carolina) was eliminated as a source of election cases because of the anti-union environment in North Carolina and South Carolina. Region 5¹⁸ provided a balanced environment in several respects. First, Region 5 (headquartered in Baltimore, Maryland) covers Virginia and part of West Virginia, predominately non-unionized and highly unionized states, respectively. Delaware, Maryland, and the District of Columbia rank about in the middle of all the states by degree of unionization. Second, Region 5 includes metropolitan areas and rural areas. Finally, the Region is not dominated by a particular industry.

The initial list

The mailing list was composed from the "cases closed" file, which contains information on each representation election case and unfair labor practice case which has been officially closed by the regional office. For each closed case, election objections and unfair labor practice charges bearing upon the elections have been settled, and election results have been certified.

Election cases were selected for inclusion in the list only if the proposed bargaining unit consisted of twenty or more employees. The minimum figure was designed to eliminate the very small employer who, it was assumed, might find it difficult to respond to the questionnaire. Decertification cases were excluded from the list.

¹⁸Region 5 consists of Virginia, Maryland, the District of Columbia, the eight eastern-most counties of West Virginia, the two southern-most counties of Delaware, and the City of Bristol, Tennessee.

Election cases resulting from an employer petition were not deliberately excluded, but all recorded cases were originated by employee or union petitions.

A list of 128 election cases was obtained. All selected cases were closed between September 1980 and February 1982. The information recorded for each case included the firm's name and address, the petitioning union(s), the number of employees in the bargaining unit for election purposes, and the actual voting outcome.

The mailing list

Four of the 128 cases involved two large corporations which had each experienced two separate elections. To eliminate the risk that company officials could not clearly differentiate between company actions in regards to the different elections, the four cases were dropped from the list. Four additional elections cases were conducted with two unions vying for representation. These cases were dropped due to the possibility the firms had responded differently to each union's organizing effort.

In an effort to increase the survey response rate, the author attempted to contact the 120 remaining companies by telephone. In most cases, the author spoke to a personnel manager or an individual who performed personnel functions. Occasionally, company owners, general managers, or other company officers served as the contact. Each call--after the author had identified himself and the University--briefly explained to the contact the nature of the project and how the firms were selected, and asked for the contact's help with the project.

If the contacts did not clearly express a willingness to help, the author provided additional information intended to persuade the contact to participate in the study.

The telephone calls resulted in seven additional firms being dropped from the list. Two firms had gone out of business. Another firm was engaged in contract bargaining and declined to participate; two firms declined to participate without explanation. One firm had changed ownership and the current management was not familiar with the employment programs of the previous management. The remaining employer was a local of an international labor union. The author chose to exclude that employer due to commitments made to other respondents.

The actual mailing list consisted of the remaining 113 companies. In 102 cases telephone contact was made with an appropriate person within the organization. Approximately 60 percent of those contacted indicated intent to respond. The remaining contacts agreed to review the survey (in some cases with other company personnel or legal counsel) and to respond if they felt it appropriate to do so. In the remaining eleven cases, surveys were sent without telephone contact being made; two to firms which did not answer repeated calls, six to firms for which phone numbers were not listed, and three to specific individuals in the firms who were not directly contacted after repeated attempts. In the latter three cases, messages were left, advising the individuals that the survey was being sent to them. Added to each of the cover letters (accompanying the surveys) going to the eleven firms

with which contact was not made, was a note explaining the difficulty encountered in reaching them, and a request for their participation.

Mailing

The 113 survey questionnaires were sent by first class mail. Each survey was accompanied by a cover letter and a stamped, self-addressed return envelope.

The Survey Group

The companies on the mailing list represented a wide range of industries. Although it was difficult to determine precisely what type of business some firms were engaged in, it was clear that there existed no concentration of firms within a general type of business. (The mailing list is presented in Appendix B.)

The unions trying to gain recognition in the elections ranged from the largest international unions to local independent unions. In all but two elections, the unions involved were among those commonly associated with the private sector (Appendix B includes a listing of the unions).

As a group, the companies won sixty of 113 elections (53 percent). The Board considered 15,289 employees eligible to vote, an average of 135.3 employees per election. Of those eligible, 13,259 (86.7 percent) actually voted. Of those voting, 7,773 (58.6 percent) voted against union representation.

Thirteen elections were re-run. One re-run resulted in a reversal of a union victory; another resulted in the reversal of a

management victory. Another election was re-run twice, management finally winning after a reversal of the union's first two victories.

The Instrument

Data by which the previously stated hypotheses could be tested were gathered by use of a mail survey questionnaire. The six-page, fifty-one item questionnaire is presented in Appendix C.

The committee's suggestions were incorporated into the questionnaire, which was subsequently field tested. Two personnel managers, who were familiar with preventive labor relations and union organizing, reviewed the questionnaire and cover letter. The personnel managers reported that completing the questionnaire required approximately fifteen minutes. Their reaction to the survey was quite positive, and only minor suggestions were offered.

Cover letter

The cover letter which accompanied each questionnaire was reviewed by the committee and field tested along with the questionnaire. A copy of the cover letter is presented in Appendix D.

The cover letter served to 1) lend additional credibility to the project by providing the name and telephone number of a faculty member, 2) remind respondents of the author's telephone call, the purpose of the project, and how their firms were selected, 3) assure anonymity of responses, and 4) offer to provide respondents with project results.

Analysis

Several descriptive statistics were calculated for each variable to determine its distribution, variability, and central tendencies. These statistics, including the mean, the standard deviation, the smallest value, the largest value, the range, and the variance, were calculated through use of the "proc means" procedure of the Statistical Analysis System (SAS).¹⁹ Examination of each variable in light of these characteristics enabled the researcher to ensure that the data were properly coded and that the variables approximated normal distributions, permitting those variables to satisfy assumptions of statistical tests.

Through use of the "proc corr" procedure of SAS, the variables were examined to determine which were correlated with employer election victory. A small number of variables--variables whose responses were structured into a classification scheme--were analyzed through frequency analysis by use of the "proc freq" procedures (SAS) to determine the presence of any association with election outcome.

Further analysis--which must be considered exploratory due to the small number of firms participating in the survey--consisted of

¹⁹SAS Institutes, Inc. SAS Users Guide 1979 Edition. (Raleigh, North Carolina: SAS Institute, Inc., 1979), p. 303.

discriminant analysis.²⁰ From among those variables which were significantly associated with company victory, the author selected the variables which appeared to be of greatest practical and theoretical importance in determining election outcome. It was necessary to limit the number of variables analyzed, because of statistical limits imposed by the small sample size. To distinguish between the two groups (companies that won, and companies that lost Board elections) the analysis sought to use a set of discriminating variables (union-avoidance techniques) that would measure characteristics of which the groups were expected to differ. By taking several variables and mathematically combining them, the author hoped to find a single dimension on which winners were clustered at one end and losers at the other.

²⁰ The explanation of discriminate analysis is borrowed from William R. Klecka, "Discriminant Analysis", in SPSS Statistical Package for the Social Sciences, 2nd Ed., ed. Kenneth J. Bowman and Matthew Cahill (New York: McGraw-Hill, Inc., 1975), p. 434. Discriminant analysis is designed to statistically distinguish between two or more groups of cases. The mathematical objective of discriminant analysis is to weight and linearly combine the discriminating variables so that the (two) groups are forced to be as statistically distinct as possible. The resultant discriminant function will be of the form $D_i = d_{i1} Z_1 + d_{i2} Z_2 + \dots + d_{ip} Z_p$ where D is the score on discriminant function i , the d 's are weighting coefficients, and Z 's are the standardized values of the p discriminating variables used in the analysis. The weighting coefficients serve to identify the variables which contribute most to differentiation along the function.

CHAPTER IV

RESULTS

Survey Returns

Of the 113 firms surveyed, a total of fifty-eight completed and returned the survey questionnaires (51.3 percent). Election winners responded in thirty-four of sixty cases (56.6 percent), while twenty-four of fifty-three election losers (45.2 percent) responded. With three surveys from each group being unusable, the fifty-two responses (46 percent of sample) available for analysis consisted of thirty-one winners and twenty-one losers. Six additional firms explicitly indicated their intent not to participate in the study.

Findings of the Study

The variables representing union-avoidance techniques were correlated with election outcome (represented by the variable *cowin*, coded "1" for employer win and "0" for employer loss, from survey question 44). Continuous variables were analyzed by Pearson correlations, dichotomous variables by use of Phi correlations. The responses for classification type variables were examined through frequency analysis. Due to the exploratory nature of the study, and the relatively small sample size, a significance level of .10 was used. The .10 level increases the risk that results will be found improperly significant, but calls for additional study of a greater number of variables.

Hypothesis 1

Development and implementation of a formal, written plan by which to remain non-union will increase a firm's ability to remain non-union.

Analysis of variable *plan*, as presented in Table 1, indicate that the development of a formal plan for union-avoidance was not correlated with company election victory. Only four firms reported the existence of such plans (with partial implementation of such plans). Because of the small number of firms reporting the use of such plans, variable *splan*, examining the inclusion of plans for short-term response to organizing activity, could not be subjected to any meaningful analysis.

Hypothesis 2

Efforts to hire particular types of employees who are considered unlikely to vote for union representation will not increase the company's chances of remaining non-union.

Table 2 indicates that applicants' experience in unionized environments (*uexp*) was the only one of several factors in the selection process which was significantly correlated with company election victory (.27775 $p < .0485$). Indeed, *uexp* was slightly more significant than the summary of all factors considered in the selection process (*select*). Union affiliation, which was treated in the literature as being more important to the non-union firm than mere experience in a unionized work environment, was not significantly related to election outcome.

The correlation between efforts to attain geographic dispersal

Table 1

Analysis of Union-Avoidance Plans

Variable	Question #	Pearson Correlation	Significance
<u>plan</u> - use of formal plan n = 49	19	.08429	.5647
<u>splan</u> - use of plan including short-term response to organizing	20	*	*

* Analysis foregone due to extremely low response to previous question.

Table 2

Correlations of Selection Techniques with Election Outcome

Variable	Question #	Phi Correlation	Significance
<u>uexp</u> - experience in union environment considered in selection process n = 51	15	.27775	.0485
<u>select</u> - summary of factors considered in selection process n = 52	15	*.24972	.0742
<u>dist</u> - geographic dispersion considered in selection process n = 52	15	.20979	.1355
<u>uaff</u> - union affiliation considered in selection process n = 52	15	.17801	.2067
<u>class</u> - efforts to hire particular class of employees n = 52	15	.00256	.9856
<u>test</u> - testing for attitudes towards unions n = 52	15	.00	1.0

* Pearson correlation.

(*dist*) of employees and election outcome was only marginally significant (.20979, $p < .1355$). Only five firms reported efforts to hire types of employees who would not support unions (*class*), and no firms reported the use of tests for determining attitudes towards unions (*test*). (The significance of the age of the workforce, and the sexual and racial composition of the workforce is examined later in this Chapter, under "Company Demographics".)

Hypothesis 3

Companies which place emphasis upon communications with their employees as a regular part of business operations are less likely to become unionized.

Several communications variables, due to the strength of their correlation with company victory, suggested at least partial support for Hypothesis 3. The most significant communications variable was constructed by directly summing the individual communications channels used by the companies (*totcomm*, .35239, $p < .0104$). It represents a summary of each respondents' total communications efforts. Of the fifteen variables representing individual channels of communications, three were significantly correlated with company election victory. Appearing in Table 3, those channels were group meetings (*meet*, .27803, $p < .0460$), the use of posters (*post*, .26476, $p < .0579$), and payroll stuffing of messages (*payst*, .23438, $p < .0944$). All other communications channels were positively correlated with company election victory but ranged from those marginally significant to those of no significance.

Despite the strength of the communications variables discussed

Table 3

Correlations of Communications with Election Outcome (n = 52)

Variable	Question #	Phi Correlation	Significance
<u>totcomm</u> - summary of communication channels used	3	*.35239	.0104
<u>meet</u> - meetings with employees	3	.27803	.0460
<u>post</u> - posters for communications	3	.26476	.0579
<u>payst</u> - payroll stuffing	3	.23438	.0944
<u>orient</u> - orientation/reception program	3	.20903	.1370
<u>committ</u> - employee committees	3	.20365	.1476
<u>opend</u> - open door policy	3	.19507	.1658
<u>speech</u> - speeches to employees	3	.18695	.1845
<u>house</u> - house organs	3	.17801	.2067
<u>bullb</u> - bulletin board	3	.14259	.3133
<u>letter</u> - letters to employees	3	.13617	.3358
<u>floort</u> - management personnel on "floor"	3	.13617	.3358

Table 3, continued

Correlations of Communications with Election Outcome

Variable	Question #	Phi Correlation	Significance
<u>exit</u> - exit interviews n = 52	3	.12411	.3807
<u>Q2</u> - communicated non-union intent to employees n = 49	2	*.12184	.4043
<u>eebook</u> - employee handbook n = 52	3	.10168	.4732
<u>sugg</u> - suggestion box n = 52	3	.09150	.5188
<u>Q1</u> - level of communications n = 52	1	*.09009	.5253
<u>inter</u> - interview with employees n = 52	3	.07230	.6105
<u>other</u> - open response n = 52	3	.00	1.0

* Pearson correlation.

above, the extent of communications which the companies engaged in (Q1, measured on a four point scale) did not significantly correlate with company victory. Moreover, the extent of company efforts to communicate their non-union intent (Q2, measured by a four point scale), was not significantly related to election outcome.

Hypothesis 4

Companies which emphasize personal communication are less likely to become unionized.

Table 4 indicates the total number of types of personal communications used (*topercom*) was highly related to company election victory (.34139, $p < .0133$). However, the use of group meetings (*meet*, .27803, $p < .0460$) was the only personal communications channel which significantly correlated with company victory. The remaining personal communications channels were positively correlated with election victory, ranging in significance from .1370 to .6105.

Hypothesis 5

Companies can improve their ability to remain non-union by making the union organizing effort more difficult.

Table 5 indicates that the only significant measure of company efforts to complicate the union organizing process represented restrictions on employee solicitation (*wander*, .30216, $p < .0295$). By contrast, restrictions on outside solicitation (*prohib*) was insignificant, with a slight negative correlation with company victory. Interestingly, a summary of company efforts to inhibit union organizing (*restrict*) was not significantly related to company election victory.

Table 4

Correlation of Personal Communication with Election Outcome (n = 52)

Variable	Question #	Phi Correlation	Significance
<u>topercom</u> - summary of personal communications channels	3	*.34139	.0133
<u>meet</u> - meetings with employees	3	.27803	.0460
<u>orient</u> - orientation/reception program	3	.20903	.1370
<u>committ</u> - employee committees	3	.20365	.1476
<u>opend</u> - open door policy	3	.19507	.1658
<u>speech</u> - speeches to employees	3	.18695	.1845
<u>floort</u> - management personnel on "floor"	3	.13617	.3358
<u>exit</u> - exit interviews	3	.12411	.3807
<u>inter</u> - interviews with employees	3	.07230	.6105

* Pearson correlation.

Table 5

Correlations of Techniques for Restricting
 Union Organizing with Election Outcome (n = 52)

Variable	Question #	Phi Correlation	Significance
<u>wander</u> - restrictions on employee movements during work hours	5	.30216	.0295
<u>roster</u> - control of employee rosters	5	.13841	.3278
<u>restrict</u> - summary of efforts to inhibit union communication	5	*.11935	.3994
<u>loca</u> - facility location considered as part of union-avoidance plan	5	.10327	.4663
<u>outs</u> - minimized employee contact with outside unionized personnel	5	.03556	.8024
<u>prohib</u> - outside solicitation/distribution rules	5	-.02218	.8760
<u>entr</u> - limited portals	5	-.03919	.7827
<u>linger</u> - restricted employee movements before and after work	5	-.06788	.6325

* Pearson correlation.

Hypothesis 6

A program by which to identify and respond to employee attitudes can improve a company's chances of remaining non-union.

The use of attitude surveys (*attsv* as shown in Table 6) was not significantly related to company election victory. In fact, only three of the fifty-two responding companies reported the use of attitude surveys. Because so few firms used the surveys, no statistical analysis was done on survey findings (*find*), nor on company efforts to respond to those findings (*program*).

Hypothesis 7

By responding to the security needs of the employees, a company can decrease its chances of being unionized.

Hypothesis 7 received little support, as none of the variables were strongly correlated to election outcome. The surveyed firms' observance of seniority rights had little effect on election outcome (see Table 7). The use of seniority in layoff/recall decisions (*layoff*) was very slightly correlated with election victory. Nor was there a significant correlation between election outcome and the use of seniority in promotion, transfer, and bidding procedures (*ptb*). The use of seniority in awarding overtime (*ot*) work also was not significantly correlated with election outcome. Surprisingly, consideration of seniority in determining time-off (*to*) was significantly, negatively correlated with company election victory ($-.23330$, $p < .1030$).

Table 6

Analysis of Attitude Surveys in Union-Avoidance Programs (n = 52)

Variable	Question #	Phi Correlation	Significance
<u>attsv</u> - implementation of attitude surveys	16	-.13254	.3489
<u>find</u> - findings of surveys	17	*	*
<u>program</u> - effort to respond to survey findings	18	*	*

* Analysis foregone due to negligible use of attitude surveys.

Table 7

Correlations of Efforts to Respond to
Security Needs with Election Outcome

Variable	Question #	Pearson Correlation	Significance
<u>expchg</u> - efforts to explain changes n = 49	13	.19365	.1825
<u>layoff</u> - degree to which seniority used for lay-off decisions n = 45	10	.10946	.4741
<u>aap</u> - existence of affirmative action plan n=51	11	*.10080	.4815
<u>ptb</u> - degree to which seniority considered in promotion, transfer, and bidding n = 49	10	.09143	.5321
<u>impchg</u> - efforts to involve employees in changes n = 52	14	.05512	.6980
<u>safe</u> - degree to which safety emphasized n = 50	12	-.11845	.4126
<u>ot</u> - degree seniority used in determining overtime n = 46	10	-.18530	.2176
<u>to</u> - degree seniority used in determining time off n = 50	10	-.23330	.1030

* Phi correlation.

Twenty-one of the fifty-two firms (40 percent) reported having formal affirmative action plans (*aap*), but those plans were not significantly related to company election victory (.10080, $p < .4815$). Further, the existence of such plans was not significantly correlated with efforts to hire particular classes of employees (*class*, Table 2), nor with the composition of the workforce when broken down by race, sex, and age (see "Company Demographics").

Efforts to emphasize workplace safety (*safe*) were not related to election outcome. Similarly, efforts to deal with changes in the workplace (*expchg*, *impchg*) were insignificantly correlated with election outcome.

Hypothesis 8

A company's efforts to maintain a competitive wage position will increase its chances of remaining non-union.

Forty-five of the fifty-two responding firms (87 percent) reported using wage surveys, yet the use of surveys (*wagesv*), as shown in Table 8, was not significantly correlated to company election victory (.13471, $p < .3410$). Several of the firms which did not report regular use of surveys, nevertheless responded to questions comparing their compensation to other firms. Those firms, even though not engaging in formal wage surveys, evidently remained aware of their compensation in relation to area firms.

As shown in Table 8, only the companies' competitiveness in direct compensation, in relation to all firms (*dirall*) was even moderately

Table 8

Correlation of Compensation Comparison with Election Outcome

Variable	Question #	Pearson Correlation	Significance
<u>dirall</u> - direct compensation compared to firms in area n = 47	24	.22631	.1261
<u>wagesv</u> - conducted wage surveys n = 52	22	*.13471	.3410
<u>indall</u> - indirect compensation compared to firms in area n = 50	26	.08704	.5478
<u>diru</u> - direct compensation compared to unionized area firms n = 42	23	-.00412	.9794
<u>indu</u> - indirect compensation compared to unionized area firms n = 47	25	-.05128	.7321

* Phi correlation.

correlated with company election victory (.22631, $p < .1261$). Thirty-six of the forty-seven responding firms (76 percent) indicated that their direct wages were approximately equal to or higher than firms in the relevant labor market. Comparisons of indirect compensation, and comparisons of direct compensation with unionized firms were not of significance.

Hypothesis 9

By establishing and maintaining a disciplinary system which is equitable, a company can reduce its chances of becoming unionized.

The means of conveying work rules to employees was the only aspect of discipline supporting Hypothesis 9. As shown in Table 9, oral presentation (*oral*) was the only means of communicating work rules to employees which was significantly related to company election victory (.45072, $p < .0008$). In fact, oral presentation was more strongly related to company victory than was the summary of means of presentation (*rules*, .32518, $p < .0187$). The posting of rules, inclusion of rules in employee handbooks, and additional means of presenting rules were not significant.

Somewhat surprisingly, respondents' favorable assessment of the fairness and consistency of the firms' disciplinary procedures (*Q7*) was only slightly (but insignificantly) correlated with company election victory (.06618, $p < .6411$). Further, the use of progressive discipline (*Q8*) was not significantly related to election outcome (.00793, $p < .9559$).

Table 9

Correlations of Aspects of Discipline with Election Outcome

Variable	Question #	Phi Correlation	Significance
<u>oral</u> - work rules made known to employees orally n = 52	6	.45072	.0008
<u>rules</u> - number of means by which work rules were made known to employees n = 52	6	*.32518	.0187
<u>othe</u> - other means of presenting rules n = 52	6	.11525	.4159
<u>poster</u> - rules posted n = 52	6	.08599	.5444
<u>Q7</u> - respondents assessment of fairness of work rules and discipline n = 52	7	*.06618	.6411
<u>Q8</u> - progressive discipline system used n = 51	8	.00793	.9559
<u>hand</u> - rules presented in employee handbook n = 52	6	-.10456	.4607

* Pearson correlation.

The type of complaint procedures available to employees was analyzed by frequency analysis. Low response in several matrix cells prevented the use of a chi-square test, but the raw data were interesting. Thirty-four of the firms reported the use of open door policies; twenty-three of those firms (67.65 percent) won their elections. Five of nine firms (55.5 percent) with formal grievance procedures (with management retaining the right of final determination) won their elections. Both firms which had grievance procedures that included third party determination at the final step lost their elections. Finally, three of the seven firms (42.8 percent) which allowed supervisors to handle complaints won their elections.

Hypothesis 10

A program implemented to detect organizational activity will provide the company a better opportunity to defeat an organizational attempt.

Thirteen of the seventeen firms (76.5 percent) which trained their supervisors how to detect organizational activity (*super*) won their elections. Of the thirty-five firms which did not provide such training, eighteen won their elections (51.4 percent). As Table 10 indicates, such supervisory training was significantly correlated with company election victory (.23941, $p < .0874$). The review of communications channels (*comm*) also showed up as a significant means of detecting organizational activity, correlating with company election victory at .24288 ($p < .0828$). Of the twenty-five firms

Table 10

Correlations of Organizing Detection Techniques
with Election Outcome

Variable	Question #	Phi Correlation	Significance
<u>Q4</u> - summary of detection techniques n = 52	4	*.26133	.0613
<u>comm</u> - communications channels reviewed as detection technique n = 52	4	.24288	.0828
<u>super</u> - supervisors trained to detect organizational activity n = 52	4	.23941	.0874
<u>warning</u> - days between knowledge of organizing and demand n = 44	29	*.25447	.0955
<u>change</u> - degree of change made between knowledge of organizing and demand n = 48	30	*.19518	.1837
<u>outside</u> - outside sources used for detection n = 52	4	.09051	.5234
<u>perdata</u> - personnel data reviewed as detection technique n = 52	4	.05190	.7148
<u>plant</u> - plant security personnel used for detection n = 52	4	.03556	.8024
<u>other</u> - open response for detection n = 37	4	.00	1.0

* Pearson correlation.

which reviewed communications channels, eighteen won their elections (72 percent). The use of outside sources (*outside*), the review of selected personnel data (*perdata*), and the use of "special" plant employees (*plant*) for detection purposes did not significantly correlate with election outcome. The strongest variable examined under detection was a summary of the techniques discussed above (*Q4*). Use of those techniques correlated at .26133 ($p < .0613$) with company victory.

Responses from survey question 28, which asked respondents to indicate the means by which they initially learned of organizational activity at their facility, could not be meaningfully examined through frequency analysis because of low cell counts. To facilitate analysis of union detection, responses were collapsed into two categories. Detection of union organizing by deliberate union actions (demand for recognition, petitioning for an election, or other unconcealed activity) formed one response group. The detection of union organizing due to company efforts to discover such activity (supervisors hearing of organizing, or an employee reporting the activity) formed the other response group. Subsequent frequency analysis indicated that firms which learned of activity through supervisors or employees won twenty-three of thirty-one elections (74 percent) while firms which learned of activity by deliberate union actions won seven of seventeen (41 percent) elections.

Variable *warning* represents the number of days the firms were aware of organizing prior to official notice of organizing activity. Respondents reported having from 0 to 270 days advance warning,

and such warning significantly correlated with election outcome (.25447, $p < .0955$). The amount of changes made in employment conditions (*change*) during that period of advance notice was less significant (.19518, $p < .1837$). The variables did, however, strongly correlate with each other (.40, $p < .0043$).

The strength of variables representing certain means of detection, warning of organizational activity, and the means of discovering organizational activity, provide substantial support for Hypothesis 10.

Hypothesis 11

Companies will be more likely to win a representation election if their campaigns are directed by labor specialists.

The data yielded limited support for Hypothesis 11. Early survey returns showed that many firms utilized more than one type of campaign director. Most of those firms utilized an outside labor specialist with a generalist from within the firm. Variable *igenospe* was used to analyze the use of such a combination. As Table 11 shows, such a strategy was effective, as *igenospe* correlated with election victory at .25950 ($p < .0630$). The use of campaign committees (*committ*), and company managers (*mgr*) were marginally significantly correlated with company victory at .20365 ($p < .1476$) and .19816 ($p < .1591$), respectively. Five of six firms using inside labor specialists, and fifteen of twenty-one firms using company managers won their elections.

Examination of the firms' selection of campaign spokespersons

Table 11

Correlation of Selection of
Campaign Directors with Election Outcome

Variable	Question #	Phi Correlation	Significance
<u>igenospe</u> - combination of inside generalist and outside specialist to run campaign n = 52	37	.25950	.0630
<u>committ</u> - committee ran campaign n = 52	37	.20365	.1476
<u>mgr</u> - a company manager ran campaign n = 52	37	.19816	.1591
<u>ispec</u> - company labor specialist ran campaign n = 52	37	.17458	.2158
<u>laboratt</u> - labor attorney ran campaign n = 52	37	.10733	.4488
<u>consult</u> - consultant ran campaign n = 52	37	.00256	.9856
<u>genatt</u> - general attorney ran campaign n = 52	37	.0000	1.0
<u>hother</u> - open response for director of campaign n = 52	37	-.05046	.7278
<u>legal</u> - company legal staff ran campaign n = 52	37	-.13254	.3489

(*spokesp*) yielded interesting data. The three firms who reported using no spokesperson lost their election. The only firm utilizing a spokesperson from outside the company lost the election. But, of the forty-five firms using a spokesperson from within the company, thirty-one (64.6 percent) won their elections.

Hypothesis 12

Companies which use many channels of communications in the election campaign will be more likely to win their elections.

Table 12 indicates that all but one of the channels by which campaign messages can be conveyed were significantly correlated with company election victory. The total number of channels used (*commc*) was most significant, correlating at .43288 ($p < .0014$), followed by speeches, posters, handbills, payroll stuffing, letters, and movies. It is noteworthy that the use of meetings was the only channel of no significance.

Hypothesis 13

Company campaigns which emphasize personal communications will be more effective than companies which do not.

Again referring to Table 12, it is clear that only one of the two personal channels for conveying campaign messages is strongly related to company victory. Speeches (*speechc*) correlate at .39396 ($p < .0039$), while meetings are insignificantly correlated to company victory. *Percom*--a summary of the personal channels of communications--is significantly correlated at .31918 ($p < .0211$).

Table 12

Correlations of Campaign Communications Channels with Election Outcome (n = 52)

Variable	Question #	Phi Correlation	Significance
<u>commc</u> - summary of campaign communications channels used	42	*.43288	.0014
<u>speechc</u> - campaign speeches	42	.39396	.0039
<u>posterc</u> - campaign posters	42	.35791	.0092
<u>handb</u> - campaign handbills	42	.27435	.0490
<u>pay</u> - payroll stuffing	42	.25950	.0632
<u>letterc</u> - campaign letters	42	.25454	.0686
<u>movie</u> - movies for campaign messages	42	.23438	.0944
<u>meeting</u> - small group meetings	42	.05615	.6926
<u>otherc</u> - open response	42	.00256	.9856

* Pearson correlation.

Hypothesis 14

Company sponsored "captive audience speeches" will be effective in winning union elections.

The use of captive audience speeches (*captive*) was examined through use of frequency tables. Twenty-three of thirty-six firms (63.8 percent) which used the speeches won their elections, while five of thirteen firms (38.4 percent) which used no such speeches won their elections. A chi-square test indicated use of the speeches was marginally significant ($p < .1123$). Additional analysis indicated that the presentation of speeches by persons from within the company and from outside the company (*captwo*) was not significantly related to company victory ($.16461, p < .2436$).

Hypothesis 15

Companies can improve their chances of winning a representation election by influencing the timing and outcome of NLRB administered proceedings.

Frequency analysis showed that the type of election held was significantly related to election outcome ($p < .1083$). Seventeen of twenty-three firms involved in consent election won their elections (73.9 percent), eight of eighteen firms won stipulated elections (44.4 percent), while four of nine firms won directed elections (44.4 percent). After the responses were recoded and consent elections were compared to other types of elections, the consent elections correlated significantly with company victory (Table 13, *elect*, $.29758, p < .0358$).

Company influence on the composition of the bargaining unit

Table 13

Correlation Between NLRB Proceedings and Election Outcome

Variable	Question #	Pearson Correlation	Significance
<u>bunitb</u> - company influence on composition of bargaining unit n = 42	33	.68829	.0001
<u>datab</u> - company influence on date of election n = 41	35	.55466	.0002
<u>elect</u> - agreeing to consent election n = 50	36	*.29758	.0358
<u>datea</u> - company efforts to influence date of election n = 50	34	.27617	.0522
<u>bunita</u> - company efforts to influence composition of bargaining unit n = 48	32	.13094	.3750
<u>time</u> - number of days between petition and election n = 45	31	.07657	.6171

* Phi correlation.

(bunitb) and on the election date (*datab*) were both highly correlated with election outcome. Indeed, those variables were the most statistically significant variables in the analysis, correlating at .68829 ($p < .0001$) and .55466 ($p < .0002$), respectively. *Datea*, representing company efforts to influence the election date, was also significant (.27617, $p < .0522$). Further analysis found that these three variables and the variable representing the type of election held, were all highly correlated with each other, ranging from .33 ($p < .04$) to .40 ($p < .02$).

Responding firms reported that the time between the filing of the election petition and the actual election (*time*) ranged from twenty-one days to 270 days. However, the number of days was not significantly correlated to election outcome.

Hypothesis 16

An "offensive" company strategy, in which the company primarily introduces its own issues, is more likely to defeat the union than a "defensive" strategy.

Of the forty-three companies responding to survey question 39, thirty-four (79 percent) described their campaigns as "offensive" in nature. Twenty-four of those firms won their elections (70.5 percent), while four of nine firms (44.4 percent) with defensive strategies won. Defensive campaign strategies were slightly negatively related to company election victory ($-.22315$, $p < .1503$).

Hypothesis 17

Company campaigns which concentrate on a relatively few major issues will be more effective than campaigns which attempt to address all issues.

Variable *noiss* in Table 14 indicates that company emphasis on many campaign issues was not significantly correlated to election outcome. In an effort to determine which campaign issues, if any, were of particular value in the companies' campaigns, survey question 40 asked respondents to list the three issues on which the company placed greatest emphasis. Those responses were grouped and tested for their relationship to election outcome. Table 14 indicates that three of these issues were significantly correlated to company election victory. Emphasizing the likelihood, or effects, of strikes was most effective for the firms (*strikes*, .29725, $p < .0324$), followed by efforts to point out favorable aspects of the firm (*coogood*, .26476, $p < .0579$), and costs the individual would be burdened with if the union gained recognition (*indcost*, .24232, $p < .0835$). The remaining issues, although appearing often enough to warrant examination, were not significantly correlated with company victory.

Hypothesis 18

A company campaign strategy which holds the strongest issues until relatively late in the campaign will be more effective than a strategy which calls for repeating those issues throughout the campaign.

Survey question 39 examined company strategies pertaining to the timing for presenting the companys' strongest campaign issues. The strategy of holding strongest issues until relatively late in the

Table 14

Correlation Between Campaign Issues and Election Outcome

Variable	Question #	Phi Correlation	Significance
<u>strikes</u> - emphasized strikes as campaign issue n = 52	40	.29725	.0324
<u>cogood</u> - emphasized good qualities of company as issue n = 52	40	.26476	.0579
<u>indcost</u> - cost to individual as disadvantage n = 52	40	.24232	.0835
<u>wages</u> - direct wages emphasized n = 52	40	.16935	.2301
<u>fringes</u> - indirect compensation emphasized n = 52	40	.14613	.3013
<u>ementsec</u> - individual security emphasized n = 52	40	.13550	.3382
<u>stab</u> - summary of individual security and company security as emphasized issue n = 52	40	.07871	.5791
<u>comp</u> - emphasized total compensation n = 52	40	.03840	.2869
<u>costab</u> - company stability emphasized n = 52	40	.02507	.8600
<u>noiss</u> - emphasized many issues n = 38	39	*-.02564	.8786

Table 14, continued

Correlation Between Campaign Issues and Election Outcome (n = 52)

Variable	Question #	Correlation	Significance
<u>uimage</u> - summary of negative union aspects emphasized	40	-.04147	.7703
<u>third</u> - emphasized union was a third (interfering) party	40	-.04573	.7475
<u>inndis</u> - emphasized individual disadvantages of unionism	40	-.05352	.7063
<u>negunion</u> - negative aspects of unions (in general) emphasized	40	-.13039	.3569

* Pearson correlation.

campaign correlated with election victory at only .07014 ($p < .6549$), providing little support for the hypothesis.

Hypothesis 19

Company efforts to point out to the employees some negative aspects of unionism will increase the company's chances of winning the election.

All three variables dealing with company efforts to point out negative aspects of unions each correlated significantly with company election victory. As Table 15 shows, presentation of personal disadvantages of union membership (*perdis*) was correlated at .35074 ($p < .0108$), followed by presentation of negative aspects of the union movement in general (*unionm*, .28111, $p < .0435$), and faults of the union involved in organizing at the company's facility (*parunion*, .28111, $p < .0435$).

Hypothesis 20

Companies which have won Board elections can be distinguished from companies which have had elections by the use of relatively few, particular, union-avoidance techniques.

Selection of Variables

Stepwise discriminant analysis was used to test the hypothesis. Selection of a limited number of variables for inclusion in the discriminant analysis was necessary because of statistical constraints imposed by the sample size. Accordingly, those variables that possessed the greatest theoretical and practical importance, as well as a reasonably strong correlation with election outcome were selected. Judgement of a variable's importance was based on its treatment in

Table 15

Correlations Between Pointing Out
 Negative Aspects of Unions to Election Outcomes (n = 52)

Variable	Question #	Phi Correlation	Significance
<u>perdis</u> - personal disadvantages pointed out	41	.35074	.0108
<u>unionm</u> - negative aspects of union movement pointed out	41	.28111	.0435
<u>parunion</u> - pointed out faults of particular union	41	.28111	.0435

the literature, as well as on the objective of including variables dealing with as many of the hypotheses as possible. The variables selected number 20, and are presented in Table 16 with their respective correlation coefficients.

From Table 2, efforts to base selection decisions on applicants' previous experience in union environments (*uexp*), and the variable representing a summary of factors considered in the selection process (*select*) were included.

The total number of communications channels used (*totcomm*) was included from Table 3. Individual channels of communications, although significantly correlated with election outcome, were highly correlated with the summary variable (*totcomm*), and were considered unlikely to contribute to further analysis. In addition, the summary of personal channels of communications (*topercom*) was included for analysis due to its strong correlation with election outcome (see Table 4).

From Table 5, restrictions on employee solicitation (*wander*) was selected for further analysis.

Two variables dealing with presentation of work rules were included in the discriminant analysis. These variables, (from Table 9) were oral presentation of work rules (*oral*) and the total number of means used for presentation of work rules (*rules*).

From Table 10, the summary of techniques used for detecting organizational activity (*q4*) was selected for further analysis due to its strong association with election outcome. Further, other means

Table 16

Variables Selected for Inclusion for Discriminant Analysis

Variable	Correlation with Company Victory	Significance
<u>totcomm</u> - summary of communications channels used	.35239	.0104
<u>topercom</u> - summary of personal communications channels	.34139	.0133
<u>q4</u> - summary of detection techniques	.26133	.0613
<u>wander</u> - restrictions on employee movement during work hours	.30216	.0295
<u>oral</u> - work rules made known to employees orally	.45072	.0008
<u>rules</u> - summary of means by which work rules were made known to employees	.32518	.0187
<u>uexp</u> - experience in union environment considered in selection process	.26452	.0581
<u>select</u> - summary of factors considered in selection process	.24972	.0742
<u>spy</u> - means by which the company learned of organi- zational activity	*	*.0145

Table 16, continued

Variables Selected for Inclusion for Discriminant Analysis

Variable	Correlation with Company Victory	Significance
<u>bunitb</u> - company influence on composition of bargaining	.68829	.0001
<u>datab</u> - company influence on date of election	.55466	.0002
<u>elect</u> - type of election held	.29758	.0358
<u>igenospe</u> - combination of inside generalist and outside specialist ran campaign	.25950	.0630
<u>perdis**</u> - personal disadvantages of unionism pointed out	.35074	.0108
<u>unionm**</u> - negative aspects of union movement pointed out	.28111	.0435
<u>parunion**</u> - faults of particular union doing organizing pointed out	.28111	.0435
<u>commc</u> - summary of campaign communications channels used	.43288	.0014
<u>indcost</u> - cost of union to individual used as campaign issue	.24232	.0835

Table 16, continued

Variables Selected for Inclusion for Discriminant Analysis

Variable	Correlation with Company Victory	Significance
<u>strikes</u> - emphasized strikes as campaign issue	.29725	.0324
<u>cogood</u> - emphasized good aspects of company as campaign issue	.26476	.0579

* Analyzed by frequency analysis, tested by chi-square.

** Variables analyzed as one, variable *neg.*

by which the company learned of organizational activity (*spy*) was included due to strong association with company victory. The review of communications channels (*comm*) and the training of supervisors (*super*) were highly correlated with the summary variable, and considered unlikely to contribute substantially to further analysis. Advance warning of organizational activity (*warning*) was not included in discriminant analysis because it was only marginally correlated to election outcome, and was significantly correlated with *spy*, suggesting that advance warning was primarily a result of the means by which the company learned of organizational activity.

The only statistically significant variable pertaining to the selection of a campaign director was that representing the use of an outside labor specialist and an inside generalist. That variable (*igenospe*) was selected from Table 11 for further analysis.

From Table 12, the total number of channels used for campaign communications (*commc*) was highly, significantly correlated with company election victory and was thus, included in further analysis. Six individual channels, although significantly related to election outcome, were so highly correlated with *commc* that their likely contribution to a discriminate function was felt to be minimal. Similarly, the summary of personal channels used (*percom*) was not included due to high correlation with *commc*.

Table 14 provided three variables for discriminant analysis. The type of election held was associated with election outcome, so *elect* was included in further analysis. The company's influence on

the date of the election (*datab*) and composition of the bargaining unit (*bunitb*) were included for analysis. Company efforts to influence the date (*datea*) and bargaining unit (*bunita*), while significantly correlated to election outcome, were more highly correlated with actual influence on the date and composition of the bargaining unit. Because actual influence is more relevant to union-avoidance than efforts to influence, and because effort is so closely related to influence, the variables representing company efforts were not included in discriminant analysis.

The three campaign issues (identified by an open response question) which were significantly correlated with election outcome were included in further analysis. The likelihood, and effect of, strikes (*strikes*), positive aspects of the firm (*cogood*), and costs occurring to the individual as a result of union representation (*indcost*) were selected from Table 15 for inclusion in discriminant analysis.

All three negative aspects of unionism (from Table 16) were significantly correlated with election outcome. Because those variables were strongly correlated with each other, the three were collapsed into a single variable (*neg*) and entered into the discriminant analysis.

Results of discriminant analysis

Table 17 indicates that seven variables constituted the final discriminate function. The coefficients represent the relative contribution of the variables to the function. The function yielded a

Table 17

Standardized Coefficients of
Variables Comprising Discriminant Function

Variable	Coefficients
<u>cogood</u> - emphasized good aspects of company as campaign issue	.21544
<u>wander</u> - restrictions on employee movements during work hours	.33050
<u>spy</u> - means by which the company learned of or- ganizational activity	.34230
<u>bunitb</u> - company influence on composition of bargaining unit	.37325
<u>oral</u> - work rules made known to employees orally	.39013
<u>elect</u> - type of election held	-.43719
<u>commc</u> - summary of campaign communications channels used	.50078

cannonical correlation of .742, a measure of strong association between the combined discriminatory variables and the dependent variable election outcome. The discriminant function produced a Wilks' lambda of .449, with an associated chi-squared 37.22 ($p < .00001$), indicating that the discriminate function is highly significant.²¹

Finally, classification results indicated that 94.23 percent of the observations were correctly classified (as winners or losers) by analysis of the observations' values on the discriminant function variables. Twenty of twenty-one election losers (95.2 percent) were classified as such, while twenty-nine of thirty-one winners (93.5 percent) were classified correctly. The reliability of the function was tested through application of a more rigorous classification test, which yielded a highly satisfactory classification accuracy of 82 percent.²²

Company Demographics

Additional data was collected in order to determine if particular company characteristics appeared to be related to election outcome. Some of the variables are indirectly related to specific research questions and are discussed accordingly. However, the variables primarily are company characteristics which are not easily mutuable and thus, are not considered union-avoidance techniques. Therefore, the following analysis is not directed to specific research questions or hypotheses.

²¹Ibid., p. 442.

²²P. A. Lachenbruch. "Multivariate Analysis", in BMDP Biomedical Computer Program, ed. W. J. Dixon (Berkely, California: University of California Press, 1975), pp. 10-16.

Bargaining unit types

Table 18 indicates that three types of bargaining units are related to company election victory. Bargaining units consisting of employees who perform production/maintenance work and office employees (*pmof*) were correlated with election outcome at .33035 ($p < .0168$). Bargaining units comprised of operatives (*oper*) were significant (.29395, $p < .0344$), as were units consisting of more than one type of production/maintenance employee (*pm*). Finally, combinations of types of office employees (*office*) were significantly negatively correlated with company victory.

Age of workforce

Table 19 shows the breakdown of age groups as correlated with election outcome. Examination of the chronological age of employees in the workforce yields no significant results. The analysis does, however, provide relevant information to the research question dealing with company efforts to hire older workers who may be more resistant to unionization (Hypothesis 2).

Additional company characteristics

Also of relevance to Hypothesis 2, variables representing the composition of the workforce by sex (*mail*) and race (*nonwh*) failed to significantly correlate to election outcome (see Table 20). The amount of organizing activity previously taking place at the facilities (*prioract*) was not significantly related to election outcome. Finally, the numeric size of the bargaining unit (*unitsize*) only approached significance (.21426, $p < .1272$).

Table 18

Correlation Between Bargaining
Unit Types and Election Outcome (n = 52)

Variable	Question #	Phi Correlation	Significance
<u>pmof</u> - combination of "production/ maintenance" and "office" employees*	47	.33035	.0168
<u>oper</u> - operatives	47	.29395	.0344
<u>pm</u> - combination of "production/maintenance" employees*	47	.27803	.0460
<u>protec</u> - professional/technical workers	47	.19219	.1723
<u>craft</u> - craft workers	47	.17801	.2067
<u>sale</u> - sales workers	47	.11525	.4159
<u>serv</u> - service personnel	47	.07230	.6105
<u>cler</u> - clerical employees	47	.06575	.6433

Table 18, continued

Correlation Between Bargaining
Unit Types and Election Outcome

Variable	Question #	Correlation	Significance
<u>wother</u> - other	47	.00000	1.0
<u>labor</u> - laborers	47	-.00754	.9577
<u>office</u> - any combination across professional/ technical, sales, and clerical workers	47	-.24300	.0826

* "Production/maintenance" employees include operatives, craft workers, service personnel, and laborers. "Office" employees include professional/technical, sales, and clerical employees.

Table 19

Correlations Between Age of
Work Forces and Election Outcome (n = 44)

Variable	Question #	Pearson Correlation	Significance
<u>agehalf</u> - percentage of workforce 46 years of age and greater	50	.14120	.3606
<u>agec</u> - percentage of workforce between 46 and 60 years of age	50	.13197	.3931
<u>agea</u> - percentage of workforce less than 30 years of age	50	.18125	.2390
<u>aged</u> - percentage of workforce over 60 years of age	50	-.03505	.8213
<u>ageb</u> - percentage of workforce between 30 and 45 years of age	50	-.21729	.1565

* Phi correlation.

Table 20

Correlations Between Additional
Characteristics of Companies and Election Outcome

Variable	Question #	Pearson Correlation	Significance
<u>unitsize</u> - number of employees eligible to vote (n = 51)	49	.21426	.1272
<u>prioract</u> - degree of prior organizing activity at facility (n = 51)	47	.19633	.1630
<u>mail</u> - percentage of males in workforce (n = 48)	50	.08818	.5512
<u>nonwh</u> - percentage of non-whites in workforce (n = 48)	50	-.18911	.1980

Summary of Results

The fifty-two usable survey questionnaires, representing 46 percent of the sample group, provided data by which the hypotheses could be tested. In the following summation, the findings for each hypothesis are presented according to the amount of support provided by correlation analysis, frequency analysis, and discriminant analysis.

Hypotheses Receiving Substantial Support

Hypothesis 3, dealing with emphasis upon regular communications, was supported by the significance of several communications channels, and by total use of communications. However, several channels of communications which were emphasized in the literature did not appear effective in non-union efforts. Further, the level of communications, and the communication of non-union intent, did not appear to be related to election outcome.

Testing of Hypothesis 10 found that supervisory training, and the review of communications channels were related to election outcome, as was the overall use of detection techniques. The companies' ability to learn of organizational activity in advance, also appeared effective in remaining non-union.

The use of campaign communications (Hypothesis 12) appeared to be effective in non-union efforts, with nearly all communications channels being related to election outcome. Overall use of communications channels was of greatest significance.

The significance of many variables examining the value of influencing Board proceedings provided strong support for Hypothesis 15.

Company influence on the election date and composition of the bargaining unit appeared to be particularly significant, followed by agreement to a consent election.

Hypothesis 19, maintaining that the communications of negative aspects of unionism would be effective in union-free efforts, received strong support. Company efforts to point out personal disadvantages of union membership, negative aspects of the union movement, and faults of the organizing union were all related to company election victory.

Discriminant analysis revealed that several specific union-avoidance techniques were particularly effective in preserving non-union status, supporting hypothesis 20. Those particularly significant techniques were 1) oral conveyance of work rules, 2) development of means by which to detect organizational activity, 3) emphasis on campaign communications, 4) influencing the composition of the bargaining unit, 5) restrictions on employee solicitation, 6) emphasizing positive aspects of the firm during the campaign, and 7) agreeing to a consent election.

Hypothesis Receiving Moderate Support

Testing of Hypothesis 2 found that basing hiring decisions on experience in a unionized setting, and over-all consideration of anti-union factors in the hiring process were related to election outcome. Techniques which received more emphasis in the literature did not appear to be effective in non-union efforts.

Of all the techniques designed to restrict union organizing

(testing Hypothesis 5), only employee solicitation rules appeared to be related to election outcome.

Hypothesis 9, maintaining that equitable disciplinary programs were important to non-union efforts, received limited support. Oral communications of work rules, and total means of communicating work rules appeared significant to election outcome. Open door policies were widely used, and (although not statistically significant) apparently effective from a practical standpoint.

The data suggested that use of labor specialists was, to some degree, effective in non-union efforts. Lending some support to Hypothesis 11, labor specialists appeared to be of value when used in combination with a company generalist, but not effective when used alone to run the company's campaign. Although not statistically significant, the use of a company labor specialist, or a company manager, appeared to be effective in winning elections.

Testing of Hypothesis 14 found that the use of captive audience speeches was marginally effective in non-union programs.

Testing of Hypothesis 17 indicated that emphasis on a relatively few campaign issues was not related to election outcome. However, further examination found that specific issues--strikes, good qualities of the company, and cost to the individual--were effective when emphasized by the company.

Hypotheses Receiving Little or No Support

Only four firms reported use of formal, written non-union plans. Thus, Hypothesis 1 received no support.

Although the use of personal communications appeared to be related to election outcome, no evidence suggested that personal channels were more effective than non-personal channels. Thus, Hypothesis 4 received no support.

Hypothesis 6, dealing with company response to employee attitudes, received no support, Only three firms reported use of attitude surveys, making further analysis impractical.

None of the variables examining employer emphasis on employee security needs were related to election outcome. Hence, Hypothesis 7 received no support.

Hypothesis 8 received no support, as no comparisons of compensation were significantly related to election outcome.

As in long-term communications, use of personal communications in the election campaign appeared to be significantly related to election outcome, but did not exceed the value of non-personal communications. Hence, Hypothesis 13 received no support.

"Offensive" campaigns were not related to election outcome, nor were campaigns which held the company's strongest issues until relatively late in the campaign. Hence, Hypotheses 16 and 18 received no support.

CHAPTER V

SUMMARY

The Study

The Problem

A substantial amount of literature has been generated in the industrial relations field pertaining to efforts to avoid unionization. The literature, coming primarily from labor practitioners and academicians, is diverse, often inconsistent, and occasionally contradictory. In addition, little empirical research has been published that tests the efficacy of the various techniques for avoiding unionization.

In response to the problems stated above, this study has sought to fulfill two purposes. First, the study has presented an extensive literature review of union-avoidance techniques as offered by labor practitioners and academicians. Second, the study has identified the actual union-avoidance techniques used by companies which have experienced a Board election, providing an empirical analysis determining which union-avoidance techniques are related to election outcomes.

Hypotheses

Based on the literature review, twenty hypotheses dealing with techniques of union-avoidance were formulated for testing. In brief

form, the hypotheses are presented below.

To evaluate long-term, "preventive techniques", hypotheses were developed to examine the value of: formal, written strategic plans for union-avoidance; the selection of employees who are considered unlikely to support unionization; communications with employees; and specific efforts designed to make organizing more difficult. Additional hypotheses examined the value of: identifying and responding to employee attitudes; responding to employees' security needs; maintaining a competitive wage position; providing equitable disciplinary systems; and developing programs by which to detect organizational activity.

Hypotheses developed to evaluate short-term techniques of union-avoidance--those used in response to actual organizing activity--examined the value of: using labor specialists as campaign directors; emphasizing communications in election campaigns; presenting captive audience speeches; and influencing the timing and outcome of Board proceedings. Hypotheses were also developed to examine the value of particular campaign strategies: campaigns in which the company delineated the issues, campaigns which emphasized relatively few issues, campaigns which withheld strong issues until late in the campaign, and campaigns which pointed out negative assets of unionism and union membership.

Finally, a hypothesis examined the theory that a few, specific (though unknown) union-avoidance techniques would be particularly effective in defeating unionization.

Methodology

Data collection

Data for the study were collected by use of a mail survey questionnaire. The questionnaire was sent to employers who had experienced a Board election in a recent eighteen-month period. Responding firms included thirty-one election winners and twenty-one election losers.

Analysis

Correlation analysis and frequency analysis were used to determine which union-avoidance techniques were related to company election victory. Variables representing the techniques which appeared to be most effective in defeating the organizational attempt were entered into discriminant analysis. The discriminant procedure suggested that a few union-avoidance techniques were primarily responsible for determining election outcome in the sample that was studied.

Discussion of Study Results

A formal plan

The data indicate that formulation and use of a formal union-avoidance plan was not important in union-free efforts. However, because very few firms in the sample reported use of formal plans, the actual value of such plans may not have been adequately tested. Perhaps firms with more sophisticated union-avoidance practices--whether

those firms were larger firms or labor-intensive firms (which could theoretically have more to lose from unionization)--could be more likely to utilize formal union-avoidance plans.

Staffing considerations

Contrary to the stated hypothesis, the data suggested that at least some efforts to hire employees who were unlikely to support unionization are effective in deterring unionization. In fact, experience in unionized environments, and the total (anti-union) factors considered in the selection process were related to maintaining union-free status.

In partial support of the hypothesis, the use of tests to discover attitudes towards unions, consideration of applicants' union affiliation, and efforts to hire particular classes of employees did not appear to be effective union-avoidance practices. In regard to the last point, analysis of the firms' workforce composition by age, sex, and race did not indicate that such demographics were important to union-avoidance programs, even if companys were to base selection decisions on those factors.

In evaluating the relevance of testing, union affiliation, and the perceptions pertaining to particular employee classes, caution is required. Because Federal fair employment and labor laws prohibit the use of those practices, the responses may be subject to social bias, or may reflect respondents' unwillingness to accurately respond to such sensitive issues.

Communications

The data supported the hypotheses maintaining that communication is a valuable tool in union-avoidance efforts. The number of channels of communications used, as well as several specific channels, appeared important to deterrence of unionization. Personal channels, while important, do not appear to exceed or even match other forms of communications in their importance to remaining non-union. Interestingly, some of the channels emphasized in the literature, such as speeches and letters, were not of significance; some relatively minor channels, such as posters and payroll stuffing, were of greater significance than suggested by the literature.

Inexplicably, while communications appeared important to union-avoidance efforts, the amount of communication in which the firm engaged did not appear to be important. It is conceivable that the firms used many channels of communications, but did not communicate on a regular basis.

Analysis indicated that efforts to convey the employers' non-union intent was not important to remaining non-union. Perhaps the matter was not important as a long-term technique; once organizing had begun, the firms may have emphasized non-union intent. This study did not examine the communication of non-union intent as a short-term response technique. Related explanations could be that the union issue is one which the companies choose not to deal with, avoiding the risk of providing the employees with the idea to unionize. Conceivably, the companies did not realize the danger of union

activity, and thus felt no need to express their feeling about unionization.

Making organizing more difficult

The analysis suggested that, of the techniques tested, only restrictions on inside solicitation was effective in preserving non-union status. Although it was not surprising to find that facility location and design were not particularly important, the insignificance of restricting the solicitation of non-employees was surprising. More interesting was the insignificance of total use of "restrictive" techniques.

As many of those apparently insignificant techniques were preventive precautions, it may only be reasonable to expect a short-term "reactive" technique to show up as strongly as did employee solicitation rules. An examination of companies which have faced Board elections may be expected to provide more significant findings dealing with short-term response techniques.

Attitude surveys

The data provide no support for the expected role of attitude surveys in union-avoidance programs. The use of surveys by so few firms is surprising, even disregarding the application of surveys to union-avoidance programs. The many uses to which attitude surveys can be applied could suggest more prevalent use than indicated by this study. Possibly, a survey of firms which practice sophisticated overall personnel practices would reflect more substantial, and more

effective use of surveys. Such firms may also be those which, for the most part, have not experienced Board elections, their preventive practices being effective by presenting organizational activity.

Employee security needs

The analysis indicates that efforts to respond to employee security needs are not particularly effective in deterring unionization. Efforts to provide seniority rights, to formally assure equal employment opportunities, to emphasize workplace safety, and to carefully handle changes in the work environment were not of significance in preserving non-union status. However, the data must be evaluated cautiously; there may have been no need to initiate efforts directed to the above security needs. Companies could have provided equal employment without development of a formal AAP, and safety may not have been a relevant consideration in many work settings. Changes in the work environment may have been so rare in some work locations that the handling of changes was irrelevant. Finally, in practice seniority rights may have been subordinated to another system (such as production or merit ratings) by which personnel decisions were made.

Compensation

Somewhat surprisingly, the competitiveness of the employers' compensation did not appear important to the ability to remain non-union. The results may call for two, somewhat contradictory conclusions. The firms may have only tried to keep their compensation rea-

sonally close to other firms (to prevent pay from becoming an issue), emphasizing instead, other techniques of union-avoidance. On the other hand, the surveyed firms may have experienced an election because their compensation was not sufficiently competitive. It is also possible that because many firms did not use actual wage surveys, the information they gathered was not sufficient to indicate sub-standard compensation, resulting in loss of the election.

Although compensation data are not statistically significant, it is interesting to note, from a practical standpoint, that comparisons of direct and indirect compensation with other firms in general is more significant than comparisons with unionized firms.

Discipline

Substantial support exists for the value of providing an equitable disciplinary system. The strength of the variable representing "oral presentation of rules" may indicate personal involvement of management personnel and employees; it may also indicate company efforts to ensure all employees know and understand the rules, serving to prevent misunderstanding and subsequent disciplinary action.

The available method of dispute resolution was predominately an open door policy. The use of open door policies was more related to company election victory than the use of formal grievance procedures, or having supervisors handle complaints. The presumed value of open door policies may well indicate the presence of an open, responsive atmosphere in firms which were able to remain non-union.

Detection of organizational activity

Analysis of techniques for detecting organizational activity suggest that the firms were able to increase their chances of remaining non-union by discovering organizational activity at relatively early stages. Review of communications channels, and supervisory training appear to be particularly valuable. A particularly strong correlation between supervisory training and advance warning of organizational activity suggest that supervisory training is the most important of the two means. That, coupled with the importance of firms actually learning of organizational activity through supervisors and/or employees, lends additional credence to supervisory training as an effective union-avoidance technique.

Although other means of detecting organizational activity do not appear to be particularly important, total efforts of detection appears quite important. Hence, a broad approach to detection seems advisable, for any relatively minor warning could alert the employer to examine more closely his entire system of detection procedures.

Although changes made after discovery of organizational activity appeared unimportant, correlation with advance warning emphasizes the significance of receiving early warning. Further, responses regarding changes in employment conditions may be biased due to applicable labor laws, and thus, may hide the actual value of changes made in efforts to defeat union campaigns.

Campaign directors

The hypothesis dealing with the value of using a labor specialist to run the company's campaign was partially supported. The use of any one of the available choices appears not to be associated with remaining non-union. While at first thought, that discovery appears to contradict the literature, that may not be the case. The success of using an outside labor specialist with a generalist from within the company satisfies two points emphasized in the literature. First, the labor specialist provides the legal expertise and practical experience to technically guide the employers. Second, the generalist, by virtue of his familiarity with the employees, the atmosphere within the company, and the issues of importance, is able to tailor the campaign to the firm's specific needs.

Use of a company labor specialist--who might be expected to combine the skills discussed above--was not statistically effective. However, consideration only of companies which utilized such a campaign director suggested the strategy was quite effective. Viewed in this manner, reliance upon a company manager also appeared to be a practical and effective strategy.

Analysis of the use of campaign spokespersons was clearly significant. Apparently, communications from the company to the employees should be presented only by individuals from within the company.

Campaign communications

Campaign communications appears to be quite effective in efforts

to defeat unionization attempts. Practically all channels of communications are associated with maintaining non-union status. While personal communications is evidently effective in union-free efforts, the data offers no indication that personal communications is more effective than impersonal communications. Inexplicably, small group meetings constitute the only communication channel which appears to be unimportant in union-free efforts.

Captive audience speeches

The hypothesis which speculated that captive audience speeches could be effective was marginally supported by the data. The analysis was somewhat inhibited by some responses which indicated firms used such speeches, but did not require employee attendance. Because such cases do not meet the working definition of captive audience speeches, those cases were classified as negative responses. Different coding, or more detailed analysis of speech procedures may yield more meaningful results.

Board proceedings

The results of analysis concerning company influence on Board proceedings support the hypothesis which maintains that such influence is effective. The analysis also directly contradicts a substantial part of the literature dealing with Board proceedings. Election delay does not appear to be associated with maintaining non-union status. In addition, instead of suggesting that efforts to force a stipulated or directed election may aid union-free efforts, agreeing to consent

elections appears more effective. Because additional analysis strongly relates company influence on election date and composition of the bargaining unit to company election victory, it appears that many of the surveyed firms have (successfully) agreed to consent elections which have been held relatively quickly, in exchange for union concessions as to the election date and bargaining unit composition.

Campaign strategies

Campaigns in which the employers delineate campaign issues appear to be more successful than "defensive" strategies. As the survey question imposed a forced-choice on the respondents, a more detailed examination may reveal significant use of both strategies.

The number of issues which the company emphasized did not seem to be important to preserving non-union status. However, because respondents were not asked to specify how many issues their firms emphasized, any conclusions regarding the relevance of the actual number of campaign issues would be quite subjective.

Open-response questions provided data which indicated that three issues were particularly effective when emphasized by the company. Those issues were: the likelihood, and consequences of strikes; positive aspects of the employer; and costs accruing to the individual as a result of union representation. While the matter of strikes and individual costs are issues appearing in the (limited) appropriate literature, the emphasis on positive aspects of the company is a

relative surprise. The three issues as a group suggest employer efforts to concentrate on matter of employee concern, rather than on issues of an anti-union, aggressive nature.

The strategy of holding strong campaign issues until late in the campaign received no support from the data. The indication that such a strategy was not negatively correlated with company victory may indicate that timing of presentation of strong issues is influenced by specific circumstances.

Efforts to point out to the employees negative aspects of unionism in general, personal disadvantages of union membership, and faults of the particular organizing union all appeared to be effective in non-union efforts. These findings are not necessarily inconsistent with the analysis of campaign issues which found that emphasizing negative aspects of unions were unrelated to election outcome. Company emphasis on negative aspects of unionism may have been ineffective, perhaps even counterproductive in election campaigns. However, efforts to merely point out negative aspects of unions may have projected a more rational, non-defensive image of the companies' campaign.

The most important techniques

Discriminant analysis served to identify the most effective union-avoidance techniques. The number of communications channels used in the election campaign showed up as the single most important union-avoidance technique. Based on the emphasis in the literature placed upon communications, this finding is not particularly surprising.

This may reflect the companies' success at conveying their campaign messages and in establishing rapport with the employees.

Of some surprise, agreement to a consent election was the next most important technique. The value of a consent agreement runs counter to the advice offered in the literature. However, agreeing to a consent election, coupled with the importance of influencing the composition of the bargaining unit, appears to coincide with other advice found in the literature. The success of the two techniques suggest that many of the surveyed firms agreed to consent elections in order to exercise greater influence over the determination of the bargaining unit.

Oral presentation of work rules appeared as a strong technique. Although the significance of this finding leaves room for further research, oral presentation may be related to the overall communications efforts of the firms. As many variables representing communications were significant to election outcome, emphasis on communication of work rules is consistent with broad use of communications.

Efforts to inhibit employee solicitation appear to be effective in union-avoidance. While the literature emphasizes such restrictions, the influence of Board regulation on solicitation rules would seem to cast doubt on the value of those restrictions.

The ability of firms to discover organizational activity relatively early also appears to be important to union-avoidance. This may indicate the existence of a sophisticated union-avoidance program, or the development of an environment in which employees are likely

to report such activity, feeling no need for union representation.

Finally, the emphasis on good qualities of the firm, as a campaign issue, is evidently effective in union-avoidance efforts. This issue shows up in sharp contrast to the advice offered in the literature--that of pointing out faults of unionism and union membership.

Discriminant analysis provides a composite profile of the firm which successfully defeated an organizational attempt. First, the company orally communicated its position on work rules to reduce the need for disciplinary actions. The winning company was also able to detect organizational activity early in the process, and to limit the in-house union communications. The successful company agreed to a consent election, but only after influencing the composition of the bargaining unit to the companies advantage. Finally, the company used many channels of campaign communications to convey its messages, the most important of which emphasized positive aspects of the firm.

Implications

The results of the study indicate that many of the commonly emphasized techniques of union-avoidance are in fact, effective. Other techniques commonly advocated are apparently not as valuable, in many situations, as various authorities have indicated. Labor practitioners, and particularly those employers who may be faced with the prospect of a unionization attempt, must evaluate the appropriateness of union-avoidance techniques to their particular situation. Failure to design

preventive labor relations programs around sound union-avoidance techniques will be costly and ineffective. The study suggests that concentration upon certain key aspects of union-avoidance will provide the most effective and least costly results.

In establishing a preventive labor relations program, employers should design their plans around the techniques identified in the study as being particularly effective in deterring unionization.

The employers should be sure that work rules are clearly communicated to the employees. Oral communication of rules will convey the employers' intentions to enforce the rules, eliminating the need for disciplinary action.

The employer should develop a system by which to detect organizational activity at an early stage. By so doing, he can institute a rational, effective response. Particular emphasis should be placed on the review of communications channels, and on supervisory training.

During organizing, the employer should restrict employees' ability to communicate union messages. Non-solicitation rules will hamper the union campaign, but must be instituted carefully in order to be lawful.

The employer should capitalize on his ability to influence the composition of the bargaining unit. By including employees who are pro-employer, or by excluding pro-union employees, the employer can greatly affect voting outcome.

The employer will benefit by agreeing to a consent election. By so doing, the firms may be able to gain concessions as to election date and bargaining unit composition. Further, by not

delaying the election, the employer may indicate confidence in the employees, who may in turn, vote against union representation.

The firm should utilize many channels of communications during the election campaign. Several specific channels will be particularly important, but comprehensive use of communication will serve to convey the employers' messages effectively.

Finally, when designating campaign issues, special emphasis should be placed on positive aspects of the company. Although negative aspects of unionism can be effectively pointed out, emphasis on the firms' good qualities will provide a more rational, logical means of convincing the employees that their best interests do not lie in union representation.

Limitations

Delimitations

The methodology used in this study imposed some delimitations. First, the respondent employers constituted a relatively small sample. Further, only private-sector firms were surveyed, all of which were located in a particular region of the country. Only employers with a proposed bargaining unit of at least a certain minimum size were surveyed, and all elections were held in a relatively short time period. In view of the limitations, the author feels that the study results can be generalized, although cautiously, to a larger, more diverse population.

All employers studied had experienced a recent Board election. As a result, many long-range, preventive techniques did not show up as

significant in this study. Even so, many of those techniques evidently had residual value, positively contributing to union-free efforts after organizational activity had begun. Nevertheless, the strength of those long-term techniques could be more accurately examined by a study including surveys of firms which had not experienced organizational activity.

Limitations

As in any survey, the data are subject to limitations of respondent social bias, and response bias resulting from misunderstanding of survey questions. The data in this study may be exposed to additional bias due to the complexity and sensitive nature of several issues which were examined. However, the interest and enthusiasm provided by respondents through telephone conversations and written correspondence suggest that reliable responses were provided.

Future Research Needs

While the results of this study are of importance, limitations upon the sample group demand additional research involving larger, more diverse samples. By enlarging the sample size, and removing restrictions of geographic location and of time, results could be generalized with greater confidence.

The exploratory nature of the study demands further examination of nearly all aspects of the study. The study examined a great many union-avoidance techniques, and by necessity, did not delve into the finer points of those techniques. Each of those techniques represent

an opportunity for more detailed research.

Some of those areas may require the use of a more personal data-gathering process. Personal or telephone interviews would provide the needed interpersonal contact by which to obtain such data.

Should future researchers choose to use a similar method of data gathering, they should attempt to make some personal contact with potential respondents. Such contact appeared effective in obtaining the excellent response rate in this study. The author found that personal contact with persons of substantial influence in the firm was most effective; depending on the size of the firm, contact should be made with a high-ranking personnel/labor relations representative or another high-ranking management official.

Researchers may benefit from providing potential respondents with the name of a recognizable organization which approves of, or perhaps, sponsors the study. This study was carried out under the name of the University, and provided a faculty member's name and telephone number for reference. Sponsorship or approval from an organization which has an interest in union-avoidance would serve to provide the credibility which is so important to obtaining data of such a sensitive nature.

Finally, because the results of this study suggest greater significance of predominately short-term techniques, further analysis is needed to evaluate the effectiveness of long-term preventive practices. By examining preventive practices of firms which had not experienced labor elections, researchers could gain a better understanding of

union-avoidance techniques which actually reduce the chances that organizational activity will occur.

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APPENDICES

APPENDIX A

FORMS LM-1 AND LM-2

16. LIST FEES AND DUES REQUIRED: (Complete each line. Enter "None" or "Not applicable" as appropriate.)	(A) If one rate applies, enter here	(B) If more than one rate applies, enter here	
		Minimum	Maximum
(1) Initiation fee or fees required from new members	\$ _____	\$ _____	\$ _____
(2) Fees other than dues required from transfer members	\$ _____	\$ _____	\$ _____
(3) Are work permits issued? <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes," give fees required	\$ _____ per _____	\$ _____ per _____	\$ _____ per _____
(4) Regular dues or fees or other periodic payments required to remain a member of the reporting labor organization (per year, mo., etc.) ..	\$ _____ per _____	\$ _____ per _____	\$ _____ per _____

17. TWO COPIES OF YOUR LABOR ORGANIZATION'S CURRENT CONSTITUTION AND BYLAWS MUST BE FILED WITH THIS REPORT. UNDER CERTAIN CIRCUMSTANCES (SEE INSTRUCTIONS FOR THIS ITEM) YOUR PARENT NATIONAL OR INTERNATIONAL MAY FILE COPIES ON YOUR BEHALF.

Is your parent national or international submitting copies on your behalf? Yes No
List below each document filed with this report.

**FEDERAL-EMPLOYEE LABOR ORGANIZATIONS SUBJECT SOLELY TO TITLE VII OF THE CIVIL SERVICE REFORM ACT,
ARE NOT REQUIRED TO COMPLETE ITEM 18.**

18. INDICATE THE PROVISIONS MADE OR PROCEDURES FOLLOWED BY YOUR ORGANIZATION CONCERNING THE FOLLOWING MATTERS:

Please either (1) show in the proper column where a detailed statement on the particular item can be found in the documents submitted under item 17, or (2) give such a detailed statement in item 15 or if there is not enough space in item 15, submit the detailed statement on a separate sheet attached to this form and identify the detailed statement in the proper column below.

Item	Page and section or paragraph number of constitution or bylaws	Identification of other detailed statement
(A) Qualifications for or restrictions on membership		
(B) Levying of assessments		
(C) Participation in insurance or other benefit plans		
(D) Authorization for disbursement of labor organization funds		
(E) Audit of labor organization financial transactions		
(F) The calling of regular and special meetings		
(G) (1) The selection of officers and stewards and of any representatives to other bodies composed of labor organizations' representatives		
(2) If any officer was not elected in accordance with the provisions of the constitution and bylaws which you have identified in item 18(G)(1) above, give a detailed statement in item 15 explaining the manner in which such officer was selected.		
(3) All procedures which a member must follow to protest a defect in the election of officers (including not only all procedures for initiating an election protest but also all procedures for subsequently appealing an adverse decision; e.g., procedures for appeals to superior or parent bodies, if any)		
(H) Discipline or removal of officers or agents for breaches of their trust		
(I) Imposition of fines, suspensions, and expulsions of members including the grounds for such action and any provisions made for notice, hearing, judgment on the evidence, and appeal procedures		
(J) Authorization for bargaining demands		
(K) Ratification of contract terms		
(L) Authorization for strikes		
(M) Issuance of work permits		

U.S. Department of Labor
Office of Labor-Management
Standards Enforcement
Washington, D.C. 20216

Form approved
Office of Management & Budget
No. 1210-0001

LABOR ORGANIZATION ANNUAL REPORT
FORM LM-2

MUST BE USED BY LABOR ORGANIZATIONS WITH \$100,000 OR MORE IN RECEIPTS
AND LABOR ORGANIZATIONS WHICH ARE UNDER TRUSTEESHIP

Labor-Management Reporting and Disclosure Act of 1959, as amended
and
Title VII of the Civil Service Reform Act

This report is mandatory under P.L. 86-257, as amended. Failure to comply may result in criminal prosecution, fines, and civil penalties as provided by 29 U.S.C. Sec. 779.

READ THE INSTRUCTIONS CAREFULLY BEFORE PREPARING THIS REPORT. SUBMIT THIS REPORT IN DUPLICATE.

IMPORTANT

If label is here please peel off top part and place in same box on next copy of form.

If label data are correct, leave items 4 through 8 blank.

If label data are incorrect, complete items 4 through 8.

<p>1. FILE NUMBER</p> <p>2. Period covered</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;"></td> <td style="width: 15%;">MO</td> <td style="width: 15%;">DAY</td> <td style="width: 15%;">YR</td> </tr> <tr> <td>From</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Thru</td> <td></td> <td></td> <td></td> </tr> </table>		MO	DAY	YR	From				Thru										
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<p>3. CITY, COUNTY AND STATE WHERE CHARTERED TO OPERATE:</p> <p>CITY _____ COUNTY _____ STATE _____</p>																			
<p>4. NAME OF LABOR ORGANIZATION (as shown on charter, constitution, etc.):</p>																			
<p>8. OFFICIAL MAILING ADDRESS (For mail to the organization): (In care of) NAME OF PERSON _____</p>																			
<p>5. AFFILIATION</p>																			
<p>NUMBER AND STREET</p>																			
<p>6. DESIGNATION (Local, Lodge, etc.)</p>																			
<p>7. DESIGNATION NUMBER</p>																			
<p>BLDG. AND ROOM NUMBER, IF ANY</p>																			
<p>9. Are organization records kept at the official mailing address? <input type="checkbox"/> Yes <input type="checkbox"/> No If "No," show address including ZIP Code in Item 22.</p>																			
<p>CITY _____ STATE _____ ZIP CODE _____</p>																			
<p>DURING THE REPORTING PERIOD DID YOUR ORGANIZATION DIRECTLY OR INDIRECTLY:</p>																			
<p>10. Have any accounts in banks or other financial institutions held in a name other than that of your organization? <input type="checkbox"/> YES <input type="checkbox"/> NO</p>																			
<p>11. Liquidate or reduce any liabilities without disbursement of cash? <input type="checkbox"/> YES <input type="checkbox"/> NO</p>																			
<p>12. Create or participate in the administration of any business enterprises or other organizations which met the definition of a "subsidiary organization" as that term is defined in the instructions on page 2? <input type="checkbox"/> YES <input type="checkbox"/> NO</p>																			
<p>13. Acquire any goods or property in any manner other than by purchase or dispose of any goods or property in any manner other than by sale? <input type="checkbox"/> YES <input type="checkbox"/> NO</p>																			
<p>14. Create or participate in the administration of a trust or other fund or organization, a primary purpose of which is to provide benefits for members or their beneficiaries, as defined by section 3(i) of the Act? <input type="checkbox"/> YES <input type="checkbox"/> NO</p>																			
<p>15. Discover any loss or shortage of funds or other property? <input type="checkbox"/> YES <input type="checkbox"/> NO (If the answer to any of the above questions is "Yes," provide details in Item 22. See specific instructions for items answered "Yes.")</p>																			
<p>16. A. Was the labor organization insured by a fidelity bond during the reporting period? <input type="checkbox"/> Yes <input type="checkbox"/> No B. If "Yes," enter the maximum amount recoverable for loss caused by any person \$ _____</p>																			
<p>17. Enter the date of your organization's next regular election of officers. Month _____ Year _____</p>																			
<p>AS OF THE END OF THE REPORTING PERIOD:</p>																			
<p>18. Were any assets pledged as security or encumbered in any other way? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>																			
<p>19. Did your organization have any contingent liabilities? <input type="checkbox"/> Yes <input type="checkbox"/> No (If the answer to Item 18 or 19 is "Yes," provide details in Item 22.)</p>																			
<p>20. Did your organization have any changes in its constitution and bylaws (other than changed dues amounts) or in practices described in statements submitted with Form LM-1 or Form LM-1A since your organization filed Form LM-1 or most recently updated it by filing a Form LM-1A? <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes," attach an updated Form LM-1A to this report, with required documents.</p>																			
<p>21. List fees and dues required. (Complete each line. Enter "None" or "Not Applicable" as appropriate.)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 40%;"></th> <th style="width: 20%;">(A) If one rate applies, enter here</th> <th style="width: 20%;">(B) If more than one rate applies, enter here</th> </tr> <tr> <td></td> <td>Minimum</td> <td>Maximum</td> </tr> </thead> <tbody> <tr> <td>(1) Initiation fee or fees required from new members</td> <td>\$ _____</td> <td>\$ _____</td> </tr> <tr> <td>(2) Fees other than dues required from transfer members</td> <td>\$ _____</td> <td>\$ _____</td> </tr> <tr> <td>(3) Are work permits issued? <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes," give fees required</td> <td>\$ _____ per _____</td> <td>\$ _____ per _____</td> </tr> <tr> <td>(4) Regular dues or fees or other periodic payments required to remain a member of the reporting labor organization (per year, mo., etc.)</td> <td>\$ _____ per _____</td> <td>\$ _____ per _____</td> </tr> </tbody> </table>			(A) If one rate applies, enter here	(B) If more than one rate applies, enter here		Minimum	Maximum	(1) Initiation fee or fees required from new members	\$ _____	\$ _____	(2) Fees other than dues required from transfer members	\$ _____	\$ _____	(3) Are work permits issued? <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes," give fees required	\$ _____ per _____	\$ _____ per _____	(4) Regular dues or fees or other periodic payments required to remain a member of the reporting labor organization (per year, mo., etc.)	\$ _____ per _____	\$ _____ per _____
	(A) If one rate applies, enter here	(B) If more than one rate applies, enter here																	
	Minimum	Maximum																	
(1) Initiation fee or fees required from new members	\$ _____	\$ _____																	
(2) Fees other than dues required from transfer members	\$ _____	\$ _____																	
(3) Are work permits issued? <input type="checkbox"/> Yes <input type="checkbox"/> No If "Yes," give fees required	\$ _____ per _____	\$ _____ per _____																	
(4) Regular dues or fees or other periodic payments required to remain a member of the reporting labor organization (per year, mo., etc.)	\$ _____ per _____	\$ _____ per _____																	
<p>22. ADDITIONAL INFORMATION (If this is a terminal report, see Section XII of the instructions.)</p> <p>Item Number _____</p> <p style="text-align: center;">(If more space is needed, attach additional sheets with further statement, properly identified.)</p>																			
<p>Each of the undersigned, duly authorized officers of the above labor organization, declares, under the applicable penalties of law,* that all of the information submitted in this report (including the information contained in any accompanying documents) has been examined by the signatory and is, to the best of the undersigned's knowledge and belief, true, correct, and complete.</p>																			
<p>75. SIGNED: _____ PRESIDENT (If other title, cross out and write in correct title above. Explain in Item 22.)</p> <p>City _____ State _____ Date _____</p>																			
<p>76. SIGNED: _____ TREASURER (If other title, cross out and write in correct title above. Explain in Item 22.)</p> <p>City _____ State _____ Date _____</p>																			
<p>Telephone Number (include Area Code) _____</p>																			

*See section on "Penalties" in accompanying instructions.

FILL OUT SCHEDULES 1 THROUGH 14 BEFORE FILLING OUT STATEMENTS A THROUGH C

ENTER AMOUNTS IN DOLLARS ONLY

STATEMENT A—ASSETS AND LIABILITIES

Item	ASSETS	FROM SCH. #	Start of Reporting Period (A)		End of Reporting Period (B)		Item	LIABILITIES	FROM SCH. #	Start of Reporting Period (C)		End of Reporting Period (D)	
			\$	cts	\$	cts				\$	cts	\$	cts
23.	(a) Cash on hand (Statement C, lines 1)		\$	XX	\$	XX	32.	Accounts Payable		\$	XX	\$	XX
	(b) Cash in banks (Statement C, lines 2)			XX		XX	33.	Loans Payable	8		XX		XX
24.	Accounts Receivable			XX		XX	34.	Mortgages Payable			XX		XX
25.	Loans Receivable	1		XX		XX	35.	Other Liabilities	4		XX		XX
26.	U.S. Treasury Securities			XX		XX	36.	TOTAL LIABILITIES		\$	XX	\$	XX
27.	Mortgage Investments			XX		XX	NET ASSETS						
28.	Other Investments	2		XX		XX	37.	Net Assets (Item 31 less Item 36)		\$	XX	\$	XX
29.	Fixed Assets	5		XX		XX							
30.	Other Assets	3		XX		XX							
31.	TOTAL ASSETS		\$	XX	\$	XX							

STATEMENT B—RECEIPTS AND DISBURSEMENTS

Item	CASH RECEIPTS	FROM SCH. #	(A)		Item	CASH DISBURSEMENTS	FROM SCH. #	(B)	
			\$	cts				\$	cts
38.	Dues		\$	XX	55.	Per Capita Tax		\$	XX
39.	Per Capita Tax			XX	56.	Fees, Fines, Assessments, etc.			XX
40.	Fees			XX	57.	To Affiliates of Funds Collected on Their Behalf			XX
41.	Fines			XX	58.	For Account of Affiliates			XX
42.	Assessments			XX	59.	To Officers:	9		
43.	Work Permits			XX	(a) Gross				XX
44.	On Behalf of Affiliates for Transmittal to Them			XX	(b) Less Deductions				
45.	Sale of Supplies			XX	60.	To Employees:	10		
46.	Interest			XX	(a) Gross				XX
47.	Dividends			XX	(b) Less Deductions				
48.	Rents			XX	61.	Office and Administrative Expense			XX
49.	Loans Obtained	8		XX	62.	Educational and Publicity Expense			XX
50.	Sale of Investments and Fixed Assets	7		XX	63.	Professional Fees			XX
51.	Repayment of Loans Made	1		XX	64.	Benefits	11		XX
52.	From Members for Disbursement on Their Behalf			XX	65.	Loans Made	1		XX
53.	From Other Sources	13		XX	66.	Contributions, Gifts and Grants	12		XX
54.	TOTAL RECEIPTS (Items 38 through 53)		\$	XX	67.	Supplies for Resale			XX
					68.	Purchase of Investments and Fixed Assets	6		XX
					69.	Direct Taxes			XX
					70.	Withholding Taxes			XX
					71.	On Behalf of Individual Members			XX
					72.	Repayment of Loans Obtained	8		XX
					73.	For Other Purposes	14		XX
					74.	TOTAL DISBURSEMENTS (Items 55 through 73)		\$	XX

STATEMENT C—CASH

Cash at Start of Reporting Period		(A)	Cash at End of Reporting Period		(B)
1.	Cash on Hand	\$	1.	Cash on Hand	\$
2.	Cash in Banks (Checking Accounts and Other Deposits)		2.	Cash in Banks (Checking Accounts and Other Deposits)	
3.	Total of Lines 1 and 2				
4.	Total Receipts from Line 54				
5.	Total of Lines 3 and 4				
6.	Total Disbursements from Line 74				
7.	Deduct Line 6 from Line 5	\$	3.	Total of Lines 1 and 2	\$

If the amount entered in line 7, column (A) does not equal the amount entered in line 3, column (B), there is a discrepancy in your reporting. Correct the discrepancy or explain it in Item 22.

If more space is needed to list items in any of the schedules below, continue the list on additional sheets, using the same column headings used on the schedule and enter the totals on the line provided for additional listings on the schedule.

SCHEDULE 1—LOANS RECEIVABLE

List below outstanding loans to officers, employees, or members which at any time during the reporting period exceeded \$250 and list all loans, regardless of amount, made to business enterprises (A)	Loans Outstanding at Start of the Period (B)	Loans Made During the Period (C)	Repayments Received During the Period		Balance at the End of the Period (E)
			Cash (D)(1)	Other Than Cash (D)(2)	
1. (Name) _____ (Purpose) _____ (Security) _____ (Terms of Repayment) _____	\$	\$	\$	\$	\$
2. (Name) _____ (Purpose) _____ (Security) _____ (Terms of Repayment) _____					
3. Totals from Additional Listings, if any.					
4. Totals of Loans not Listed above.					
5. Totals of Lines 1 through 4	\$	\$	\$	\$	\$

Enter the Totals from Line 5 in Item 25, Column A. Item 65 Item 51 Item 22, with Explanation Item 25, Column B

APPENDIX B

COMPANIES COMPRISING MAILING LIST,
AND UNIONS SEEKING RECOGNITION

Companies Comprising Mailing List,
and Unions Seeking Recognition*

Erath Veneer Corporation Martinsburg, WV	Arrowhead Associates, Inc. Montross, VA
United Auto Workers	Oil, Chemical, and Atomic Workers
Command Cargo Corporation Savage, MD	Murray's Steaks, Inc. Forestville, MD
Laborers' International Union	United Food and Commercial Workers
Brown Jordan Suffolk, VA	Felmor Corporation Baltimore, MD
United Auto Workers	Teamsters
Marco Warehouse Martinsville, VA	Harrison Electrical Constructors, Inc. Greenville, SC
Teamsters	Electrical Workers (IBEW)
Southampton Textile Emporia, VA	Perdue, Inc. Accomac, VA
Amalgamated Clothing and Textile Workers	United Food and Commercial Workers
Port East Transfer, Inc. Baltimore, MD	Baltimore Tin Plate Company Baltimore, MD
Teamsters	
Bergmann's Laundry, Inc. Washington, DC	Machinists and Aerospace Workers
Teamsters	Wider Opportunities for Women Washington, DC
Westbury Coal Mining Partnership Richlands, VA	Office and Professional Employees
United Mine Workers	

*Commonly recognized unions are listed by shortened names.

Centrex Construction Company,
Inc.
Radford, VA

**Carpenters and Joiners
Laborers' International
Union

Clearview Nursing Home, Inc.
Hagerstown, MD

Teamsters

Brinderson Corporation
Newport News, VA

Carpenters and Joiners

Simmons Investigative and
Security Agency
Washington, DC

National Police Security
Officers

AJD Cap Corporation
Richmond, VA

Paperworkers

William G. Gavin, Inc.
Harpers Ferry, WV

Hotel, Restaurant Employees
and Bartenders

Sheppard Stein, Inc.
Martinsburg, WV

Ladies' Garment Workers

Allstate Transport, Inc.
Alexandria, VA

Teamsters

Supreme Services of Baltimore, Inc.
Baltimore, MD

Laborers' International

Schlosser Company, Inc.
Hyattsville, MD

Laborers' International Union

Optic Bindery, Inc.
Glen Burnie, MD

Laborers' International Union

Woodlawn Corporation, Inc.
Gaithersburg, MD

Sheet Metal Workers

Hochschild Kohn
Bel Air, MD

Retail, Wholesale and Depart-
ment Store Union

Metro Pants Company
Bridgewater, VA

Amalgamated Clothing Workers

Pyramid Fabrications, Inc.
Owings Mills, MD

Teamsters

Edward W. McCready Memorial
Hospital, Inc.
Crisfield, MD

United Food and Commercial
Workers

**Two elections in separate bargaining units.

Capital Cigar and Tobacco
Company, Inc.
Cheverly, MD

Teamsters

Browning-Ferris, Inc.
Fairfax, VA

Teamsters

American Mirror Company, Inc.
Galax, VA

Furniture Workers

Kotarides Baking Company, Inc.
Norfolk, VA

Bakery, Confectionery and
Tobacco Workers

Rosslyn Concrete Construction
Company
Arlington, VA

Washington Building and
Construction Trades Council

Electronic Power and Control
Company
Baltimore, MD

Electrical Workers (IBEW)

The Potomac Edison Company
Hagerstown, MD

Utility Workers Union of
America

National Electrical Contractors
Association Pension Benefit
Trust Fund
Arlington, VA

Office and Professional
Employees

Valley View Nursing Homes, Inc.
Berkeley Springs, WV

Teamsters

Northern Virginia Service Corp.
La Grange, GA

Service Employees

Apcoa Parking, Inc.
Baltimore, MD

United Food and Commercial
Workers

Williams Construction Company
Baltimore, MD

Operating Engineers

De Perini Metal Fabricators, Inc.
Gaithersburg, MD

Machinists and Aerospace
Workers

Gardner Denver Company
Salem, VA

Machinists and Aerospace
Workers

Peoples Drug Stores, Inc.
Alexandria, VA

Teamsters

Government Contractors, Inc.
Baltimore, MD

Laborers' International Union

Krispy Kreme
Alexandria, VA

Teamsters

Geon Automotive, Inc.
Richmond, VA

Teamsters

General Instruments Corp.
(Business Systems Division)
Towson, MD

Electrical Workers (IBEW)

Noland Company
Roanoke, VA

United Food and Com-
mercial Workers

Chemical-Carrier Corporation
of Virginia
Sandston, VA

Teamsters

American Iron Works, Inc.
Bladensburg, MD

Washington Building and
Construction Trades
Council

Redi Steel Placing, Inc.
Suitland, MD

Washington Building and
Construction Trades
Council

Valleydale Packers, Inc.
Bristol, VA

Meat Cutters and Butchers

Western Electric Company, Inc.
Baltimore, MD

Point Breeze Employees'
Association

Hermle Black Forest Clocks
Amherst, VA

United Steel Workers

Mr. Casuals, Inc.
Troutdale, VA

Ladies' Garment Workers

Bay State Beef Company
Washington, DC

United Food and Commercial
Workers

Eyre Bus Service, Inc.
Woodbine, MD

Transit Workers

Eagle-Picher Industries, Inc.
(Elmac Division)
Richcreek, VA

Machinists and Aerospace
Workers

Baltimore Chapter of the American
Red Cross
Baltimore, MD

Teamsters

Powell Valley Electric Cooperative
Jonesville, VA

Teamsters

Continental Building Products
Wakefield, VA

Paperworkers

Joseph S. Terrell, Inc.
Williamsburg, VA

Carpenters and Joiners

The Durrett Sheppard Steel
Company, Inc.
Baltimore, MD

Laborers' International
Union

Cannon Shoe Company
(Thurmont Shoes Division)
Thurmont, MD

United Food and Commercial
Workers

Universal Fuel, Inc.
Patuxent River, MD

American Federation of
Government Employees

Ingalls, Inc.
Waldorf, MD

Bridge, Structural and
Ornamental Iron Workers

Monumental Millworks, Inc.
Westminister, MD

Teamsters

Tele-path Industries, Inc.
Roanoke, VA

Teamsters

Maida Development Company
Hampton, VA

Electrical Workers (IBEW)

General Electric Company
Winchester, VA

International Union of
Electrical, Radio and
Machine Workers

Besche Oil Company, Inc.
Waldorf, MD

Oil, Chemical and Atomic
Workers

Metal Master Foodservice Equip-
ment Company
Smyrna, DE

Sheet Metal Workers

Delmarva Electric Motors and
Machine, Inc.
Salisbury, MD

Electrical Workers (IBEW)

Mid Atlantic Coca-Cola Bottling
Company, Inc.
McLean, VA

Teamsters

Dixon Valve and Coupling Company,
Inc.
Chestertown, MD

United Steel Workers

J. J. Haines and Company, Inc.
Baltimore, MD

Teamsters

Montgomery Ward and Company,
Inc.
Savage, MD

Teamsters

North Avenue Beauty Supply, Inc.
Baltimore, MD

Teamsters

Showerings
(Division of Tetley, Inc.)
Harve De Grace, MD

United Food and Commercial
Workers

Unified Services, Inc.
Washington, DC

Service Employees

Puritech Industries, Inc.
Lorton, VA

Carpenters District Council
of Washington, DC and
Vicinity

Overnite Transport Company
Richmond, VA

Teamsters

Provident Savings Bank of
Baltimore
Baltimore, MD

United Food and Commercial
Workers

Le Bagatelle, Inc.
Washington, DC

Hotel, Restaurant Employees
and Bartenders

Mason Dixon Recycling Corp.
Silver Springs, MD

Teamsters

Bon Secours Hospital
Baltimore, MD

Laborers' International
Union

Crothal Hospital Services, Inc.
Newark, DE

American Federation of
State, County and
Municipal Employees

Penniman and Browne, Inc.
Baltimore, MD

Fireman and Oilers

New Galax Mirrow Corporation
Galax, VA

Furniture Workers

Gallauguet College
Washington, DC

Broadcast Employees and
Technicians

Pony Express Courier Corp.
Richmond, VA

Special Police and Law
Enforcement Officers

Capital Wire and Fence Company,
Inc.
Hyattsville, MD

Bridge, Structural and
Ornamental Iron Workers

Wisconsin Avenue Nursing Home
Washington, DC

United Food and Commercial
Workers

Baltimore Electronics Association,
Inc.
Baltimore, MD

Communications Workers

Fisher Stove Works
Salem, VA

Sheet Metal Workers

East Baltimore Community Corp.
Baltimore, MD

National Union of Hospital
and Health Care Employees

Multivac, Inc.
Washington, DC

Service Employees

Public Broadcasting Service
Washington, DC

Broadcast Employees and
Technicians

Harry Kahn Associates, Inc.
Hagerstown, MD

United Food and Commercial
Workers

Prince William Hospital Corp.
Manassas, VA

Service Employees

General Maintenance Service
Company, Inc.
Washington, DC

Service Employees

Parkfairfax Condominium Unit
Owners Association
Alexandria, VA

Laborers' International
Union

J. P. Taylor Company, Inc.
Danville, VA

Bakery, Confectionery and
Tobacco Workers

Family Services of Prince George's
County, Inc.
Lanham, MD

Communications Workers

Cindarn Plastics, Inc.
Baltimore, MD

Teamsters

Autumn Care of Suffolk
Suffolk, VA

United Auto Workers

Maritime Institute of Technology
and Graduate Studies
Linthicum Heights, MD

Masters, Mates and Pilots

Lenmar, Inc.
Baltimore, MD

Molders and Allied Workers

Prison Health Services, Inc.
Chaney, PA

United Food and Commercial
Workers

APPENDIX C

SURVEY QUESTIONNAIRE

SURVEY QUESTIONNAIRE

When responding to this questionnaire, please remember that your answers are anonymous, and that the success of the research project depends upon responses which reflect actual Company actions, as opposed to Company intentions.

The questionnaire is designed so that it can be completed within a short time period. Most questions require only a checkmark in the appropriate place. Where brief explanations are requested, short answers are generally sufficient, but feel free to respond with as much detail as you wish.

Definitions

"Employees" refers to those workers in your Company who were included in the bargaining unit for purposes of voting in the NLRB election.

"Supervisor" refers to individuals who hire, suspend, layoff, recall, promote, discharge, assign, reward, discipline, or direct employees or recommend such action for the Company. Supervisors are not part of the bargaining unit.

The "Company" refers to that part of the firm which experienced the organizational campaign, not the entire firm if there are other facilities.

PART I

All questions in PART I pertain to Company actions before the Company knew of union organizational activities at its facility. These questions are concerned with efforts to prevent organizational activity.

1. Which of the following best reflects the Company's communications program?
 - Little or no communication with employees
 - Occasional communication with employees
 - Substantial communication with employees
 - Extensive communication with employees

2. Please indicate the degree to which the Company's intent to remain non-union was communicated to the employees. (*please circle one*)

strongly emphasized emphasized casually made known not mentioned do not know

3. Of the following, which channels of communication did the Company use (in normal operations)? (*please check all which apply*)
 - A planned orientation program for new employees
 - Periodic interviews with individual employees allowing them to express themselves
 - A "suggestion box" for anonymous comments
 - Periodic meetings with small groups of employees to solicit employee ideas and suggestions
 - Employee committees to solicit participation in areas such as safety or recreation (but not bargaining)
 - Exit interviews with employees leaving the Company
 - An "open door" policy
 - A program encouraging management personnel to spend time on the "floor"
 - House organs (such as newspapers and newsletters)
 - Bulletin boards
 - Speeches from top management
 - Written correspondence from top management
 - Payroll stuffing (messages from the Company placed in payroll envelopes)
 - Posters to convey specific messages
 - Employee handbook
 - Others (*please specify*)

4. Please indicate which of the following steps the Company took in an effort to detect potential organizational activity. (*check all appropriate boxes*)
 - Some of the communications channels listed in question 3 were reviewed to discover patterns of employee feelings which could foster organizational activity
 - Personnel data were evaluated to detect patterns of employee behavior which could foster an organizational attempt (examples of such data would be attendance records, disciplinary records, etc.)
 - Supervisors received training as to what types of employee behavior could indicate the presence of organizational activity
 - Plant security personnel were trained to watch for and to report activity of a union organizing nature
 - Secretaries and receptionists were trained to detect and report organizational related activity
 - The Company utilized some outside source(s) to detect planned or potential union activity (such as trade associations, officials of other firms, publications, etc.)
 - Other (*please specify*)

5. Please check all items which reflect Company efforts.
- When the Company decided to build the facility, the actual location was considered as part of the Company's plan to remain non-union
 - The facility was laid out so that the employees would enter and leave through more than one gate (or entrance)
 - The Company minimized the employees' contact with "outside" unionized personnel who were at the Company's facility
 - The Company's employee rosters (lists of employees) were tightly controlled
 - The Company prevented employees from unnecessarily wandering through the facility
 - The Company prevented employees from lingering on Company property before and after working hours
 - The Company prohibited outside organizations from entering the facility to sell, collect donations, etc.
6. How were work rules made known to employees? *(check all which apply)*
- Employee handbook
 - Oral presentation
 - Rules were posted
 - Other *(please specify)*
7. Please circle the response which reflects your feelings towards the statement, "The Company fairly and consistently administered work rules and discipline."
- strongly agree agree disagree strongly disagree
8. Did the disciplinary system call for progressively more severe disciplinary action for each successive offense?
- Yes
 - No
 - Do not know
9. What procedure was available to employees who felt they had been treated unfairly?
(check all methods available)
- An "open door" policy, giving the employee the opportunity to take his complaint to higher management
 - Employees were to handle complaints through their supervisors
 - A formal grievance procedure with management retaining the right to final determination
 - A formal grievance procedure providing for final determination by a neutral third party
 - Other *(please specify)*
10. Please indicate to what degree employees' seniority was used to determine the following decisions.
(5 means that seniority was the only factor, 1 means seniority was not considered.)
- | | | | | | |
|---|---|---|---|---|--------------------------------------|
| 5 | 4 | 3 | 2 | 1 | Layoff/Recall |
| 5 | 4 | 3 | 2 | 1 | Promotion/Transfer/Bidding |
| 5 | 4 | 3 | 2 | 1 | Overtime Work |
| 5 | 4 | 3 | 2 | 1 | Time Off (vacations, days off, etc.) |
11. Did the Company have a written affirmative action plan which was communicated to the employees?
- Yes
 - No
 - Do not know
12. To what degree did the Company emphasize to the employees the need for safety in the workplace?
(circle one)
- (strongly emphasized)* 5 4 3 2 1 *(not emphasized at all)* do not know
13. When it was necessary to make changes which would affect the employees, to what degree did the Company explain the need for such changes to the employees? *(circle one)*
- (fully explained)* 5 4 3 2 1 *(not explained at all)* do not know
14. Did the Company try to involve employees in the implementation of such changes?
- (always)* 5 4 3 2 1 *(never)*

15. Many factors are considered in the selection of employees. Please check any of the following which reflect the Company's hiring decisions.
- Applicants' experience in union environments was considered
- Applicants' past or present union affiliation was considered
- The Company hired a workforce which was dispersed over a relatively large geographic area
- Testing was done to determine applicants' feelings about unions
- The Company tried to hire a particular class of employee, feeling that they would be less inclined to vote for union representation (for example, women instead of men, older workers instead of younger workers, etc.)
16. Did the Company conduct (or have conducted) attitude surveys on the employees within one year prior to the Company's knowledge of organizing?
- Yes
- No
- Do not know
17. If "Yes" above, what were the findings of the survey? (*circle one*)
- (*high degree of dissatisfaction*) 5 4 3 2 1 (*no dissatisfaction*) do not know
18. If the survey showed some dissatisfaction among the employees, what type of program was undertaken to alleviate that dissatisfaction? (*circle one*)
- | | | | | | |
|---------------------|-----------------------|-------------------|------------------------------|--------------|----------------|
| extensive
effort | substantial
effort | limited
effort | planned, but
not executed | no
effort | do not
know |
|---------------------|-----------------------|-------------------|------------------------------|--------------|----------------|
19. Did the Company have a formal, written long-term plan by which to remain non-union? (*circle one*)
- | | | | | |
|---|---|------------------------------------|-------------------------------|----------------|
| yes, and it was
<u>fully</u> implemented | yes, and it was
<u>partially</u> implemented | yes, but it was
not implemented | no, there was
no such plan | do not
know |
|---|---|------------------------------------|-------------------------------|----------------|
20. If "Yes," did the plan include a formal, written plan to be used in case of organizational activity?
- Yes
- No
- Do not know
21. On an average, how much "human relations" training did supervisors receive per year?
- _____ days
22. Did the Company regularly compare its compensation to firms in the same labor market whose employees performed comparable work?
- Yes
- No
- Do not know
23. How did the Company's direct wages compare to unionized firms in the labor market? (*circle one*)
- | | | | | | |
|------------------------------------|-----------------------------------|-------------------|------------------------------------|-------------------------|----------------|
| more than 10%
lower than others | more than 5%
lower than others | about
the same | more than 5%
higher than others | more than
10% higher | do not
know |
|------------------------------------|-----------------------------------|-------------------|------------------------------------|-------------------------|----------------|
24. How did the Company's direct wages compare to all firms in the labor market?
- | | | | | | |
|------------------------------------|-----------------------|-------------------|------------------------|-------------------------------------|----------------|
| more than 10%
lower than others | more than
5% lower | about
the same | more than
5% higher | more than 10%
higher than others | do not
know |
|------------------------------------|-----------------------|-------------------|------------------------|-------------------------------------|----------------|
25. How did the Company's benefit package compare to unionized firms in the labor market? (*circle one*)
- | | | | | | |
|------------------------------------|-------------------|-------------------|--------------------|-------------------------------------|----------------|
| substantially
lower than others | a little
lower | about
the same | a little
higher | substantially
higher than others | do not
know |
|------------------------------------|-------------------|-------------------|--------------------|-------------------------------------|----------------|
26. How did the Company's benefit package compare to all firms in the labor market? (*circle one*)
- | | | | | | |
|------------------------------------|-------------------|-------------------|--------------------|-------------------------------------|----------------|
| substantially
lower than others | a little
lower | about
the same | a little
higher | substantially
higher than others | do not
know |
|------------------------------------|-------------------|-------------------|--------------------|-------------------------------------|----------------|
27. Please indicate any long-range personnel practice(s) (which were not included in this survey) which you feel was (were) particularly helpful in your Company's union-free effort.

PART II

Questions in PART II pertain to Company actions after learning of organizational activity at its facility.

28. By what means did the Company initially learn of organizational activity at its facility?
- The union made a demand for recognition
 Union filed petition
 Unconcealed union activity
 A supervisor heard of activity
 An employee told of activity
 From an outside source which the Company had developed
 From an outside source which the Company had not developed
 Other (please specify)
29. How much time expired between the Company's initial knowledge of organizing and the Union's demand for recognition?
 _____ calendar days
30. To what degree did the Company make changes in the terms and conditions of employment after learning of organizational activity, but before the union made a demand for recognition? (circle one)
- | | | | | | |
|-----------|-------------|----------|--------|---------|--------|
| extensive | substantial | moderate | little | no | do not |
| changes | changes | changes | change | changes | know |
31. How much time expired between the filing of the petition for an election and the actual election?
 _____ calendar days
32. To what degree did the Company try to influence the determinations of the bargaining unit in NLRB proceedings? (circle one)
- | | | | | | | | |
|----------------------|---|---|---|---|---|-------------|-------------|
| (very strong effort) | 5 | 4 | 3 | 2 | 1 | (no effort) | do not know |
|----------------------|---|---|---|---|---|-------------|-------------|
33. How successful was the Company in influencing the determinations of the bargaining unit? (circle one)
- | | | | | | | | |
|-------------------|---|---|---|---|---|----------------|-------------|
| (very successful) | 5 | 4 | 3 | 2 | 1 | (unsuccessful) | do not know |
|-------------------|---|---|---|---|---|----------------|-------------|
34. To what degree did the Company try to influence the date of the elections in NLRB proceedings? (circle one)
- | | | | | | | | |
|----------------------|---|---|---|---|---|-------------|-------------|
| (very strong effort) | 5 | 4 | 3 | 2 | 1 | (no effort) | do not know |
|----------------------|---|---|---|---|---|-------------|-------------|
35. How successful was the Company in influencing the date of the election? (circle one)
- | | | | | | | | |
|-------------------|---|---|---|---|---|----------------|-------------|
| (very successful) | 5 | 4 | 3 | 2 | 1 | (unsuccessful) | do not know |
|-------------------|---|---|---|---|---|----------------|-------------|
36. What type of election was held?
- Agreement for Consent (the parties agreed to details of the election with the Regional Director's rulings binding)
 Stipulation for Certification Upon Consent (parties agreed to details of election, but rulings were appealable to the Board)
 Directed Election (parties did not agree to election details so Regional Director made rulings on election details)
 Do not know
37. Who directed the Company's campaign? (check more than one if applicable)
- In-house legal staff
 Outside attorney with specialized labor practice
 Outside attorney with general practice
 Outside consultant
 In-house management committee
 In-house labor relations specialist
 Management official (would include Company owner)
 Other (please specify)
38. Who acted as primary spokesperson for the Company in communications to the employees during the election campaign?
- A representative from within the Company
 An individual from outside the Company
 There was no primary spokesperson
 Do not know

39. Please indicate which answer in each of the following pairs best reflects the Company's campaign.
- The Company introduced its own campaign issues which it felt were important
 - The Company primarily responded to the claims of the union
 - The Company concentrated upon a relatively few campaign issues
 - The Company concentrated upon a wide range of campaign issues
 - The Company emphasized its strongest issues throughout the campaign
 - The Company waited until relatively late in the campaign to bring out its strongest issues.
40. On what campaign issues did the Company place greatest emphasis?
- 1)
 - 2)
 - 3)
41. Please indicate which items reflect the Company's campaign efforts. (*check all which apply*)
- The Company pointed out to employees some personal disadvantages of union membership (such as dues, fines, inability to deal directly with management, etc.)
 - The Company pointed out faults of the union movement in general (such as mob violence, ill effects on the economy, etc.)
 - The Company pointed out faults of the particular union conducting the organizing campaign (such as strike record, misuse of funds, etc.)
42. Please indicate the means by which the Company conveyed campaign messages to employees. (*check all appropriate boxes*)
- Speeches by top management
 - Letters to employees' homes
 - Meetings with small groups of employees
 - Handbills
 - Payroll stuffing
 - Posters
 - Audiovisual presentations
 - Other (*please specify*)
43. During the campaign, did the Company present a speech (concerning the campaign) to the employees during working hours at which attendance was required?
- Yes, by a person from within the Company
 - Yes, by a person from outside the Company
 - There was no such speech
 - Do not know
44. Who won the election?
- Company
 - Union
45. Please indicate any Company action (during the organizational effort) which you felt was significant in efforts to defeat the organizational campaign.

PART III (Company background)

46. Prior to the organizational effort (leading to the election case which was closed by the NLRB in 1981), how much organizational activity had the Company experienced? (*circle one*)
- | | | | | | |
|---------------------|---|--|---|-------------------|-------------|
| a previous election | previous activity with a petition filed | previous unconcealed activity with no petition filed | previous covert activity with no petition filed | no known activity | do not know |
|---------------------|---|--|---|-------------------|-------------|
47. Please characterize the employees in the designated bargaining unit (regardless of election outcome). (*check all appropriate boxes*)
- Professional/Technical
 - Sales
 - Clerical
 - Operatives
 - Craft workers
 - Service personnel
 - Laborers
 - Other (*please specify*)

48. Please characterize the Company by primary activity.

- | | |
|---|--|
| <input type="checkbox"/> Manufacturing | <input type="checkbox"/> Construction |
| <input type="checkbox"/> Retail sales | <input type="checkbox"/> Health care |
| <input type="checkbox"/> Wholesale sales | <input type="checkbox"/> Security services |
| <input type="checkbox"/> Transportation/Storage | <input type="checkbox"/> Personal services |
| <input type="checkbox"/> Other (please specify) | |

49. Approximately how many employees were in the bargaining unit?

50. Please indicate the breakdown of the Company's workforce by sex, race, and age.

_____ % Male	_____ % White	_____ % Less than 30 years of age
_____ % Female	_____ % Non-white	_____ % Between 30-45 years of age
		_____ % Between 46-60 years of age
		_____ % Over 60 years of age

51. Unless you think it might jeopardize the anonymity of your responses, please indicate the name of the opposing union.

52. Please enter the title(s) of the person(s) completing this questionnaire.

THANK YOU FOR YOUR HELP.

If you would like to receive a copy of the results of this project, place a name and address below or contact us under separate letter.



COLLEGE OF BUSINESS

VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY

Blacksburg, Virginia 24061

DEPARTMENT OF MANAGEMENT (703) 961-6353

March 8, 1982

Dear Personnel Director:

I contacted you by telephone a few days ago about a research project being conducted by the Business Management Department of Virginia Polytechnic Institute and State University. Allow me to tell you a little more about the study.

The project seeks to determine what techniques companies use in their efforts to remain non-union, and how successful various techniques are. The findings of this project will be of great interest in the industrial relations field, but perhaps the results will be more important to companies who may wish to utilize them in further efforts to remain non-union or to decertify a union.

Your firm is one of 130 firms chosen from the files of the National Labor Relations Board in Baltimore, Maryland. All selected firms experienced an election which was "closed" between September, 1980 and February, 1982.

The survey questionnaire is enclosed with a self-addressed, stamped envelope. Please have the questionnaire completed by the individual(s) in your company most familiar with the company's union-free efforts. Your cooperation is crucial to the success of the project. All survey responses will be anonymous.

Study results should be available in April of this year. If you are interested in obtaining those results, you may place a mailing address on the last page of the survey, or, in order to protect the anonymity of your responses, you may notify us under separate letter.

Thank you for your help.

Sincerely,

Andrew A. Porter
Project Director

Kent F. Murrmann, Ph.D.
Assistant Professor of Management

AAP:KFM/fam

Enclosure

APPENDIX E

RESEARCH QUESTIONS AND SURVEY QUESTIONS
BEARING UPON HYPOTHESES

Research Questions and Survey Questions Bearing Upon Hypotheses

H₁: Development and implementation of a formal, written plan by which to remain non-union will increase a firm's ability to remain non-union.

Research Questions

1. Did the companies have formalized plans for remaining non-union?
2. Did such plans include provisions for short-term response to organizational activity?

Survey Questions

19. Did the company have a formal, written long-term plan by which to remain non-union?
20. Did the plan include a formal, written plan to be used in case of organizational activity?

H₂: Efforts to hire particular types of employees who are considered unlikely to vote for union representation will not increase the company's chances of remaining non-union.

Research Questions

3. Were hiring decisions influenced by applicants' experience in union environments?
4. Were hiring decisions influenced by applicants' prior union affiliation?
5. Did the hiring process strive for geographic dispersal of employees?
6. When hiring, did the Companies test for applicants' attitudes towards unions?
7. Did the Companies try to hire a particular class of employees (such as blacks, women, etc.)?

Survey Questions

5. Please check all items which reflect company efforts to inhibit organizing activity.

H₃: Companies which place emphasis upon communications with their employees as a regular part of business operations are less likely to become unionized.

Research Questions

8. Are the communications efforts made on a regular basis?

Survey Questions

1. To what degree did the company normally communicate with the employees?

H₃--continued

- | | |
|---|--|
| 9. Do the companies convey to their employees the company's desire to remain non-union? | 2. Please indicate the degree to which the Company's intent to remain non-union was communicated to the employees. |
| 10. How many channels of communication are used? | 3. Which channels of communication did the Company use (in normal operations)? |
| 11. What communications channels were used? | |

H₄: Companies which emphasize personal communication are less likely to become unionized.

Research Questions

Survey Questions

- | | |
|---|--|
| 12. Which companies utilize communications techniques which involve personal contact? | 3. Which channels of communication did the Company use (in normal operations)? |
|---|--|

H₅: Companies can improve their ability to remain non-union by making the union organizing effort more difficult.

Research Questions

Survey Questions

- | | |
|---|--|
| 13. Did the companies locate and design the facilities with intent to hamper organizing efforts? | 5. Many factors are considered in the selection of employees. Please check <u>any</u> of the following which reflect the Company's hiring decisions? |
| 14. Did the companies control employee movement within the facility in order to restrict union communication? | |
| 15. Did the companies enforce a no-solicitation rule? | |
| 16. Did the companies control employee rosters? | |

H₆: A program by which to identify and respond to employee attitudes can improve a company's chances of remaining non-union.

Research Questions

Survey Questions

- | | |
|--|---|
| 17. Did the companies use attitude surveys? | 16. Did the Company conduct (or have conducted) attitude surveys on the employees within one year prior to the Company's knowledge of organizing? |
| 18. If attitude surveys were used, what were the findings? | 17. If "Yes" above, what were the findings of the survey? |

H₅--continued

19. If the surveys indicated that problems did exist, what effort was made to correct those problems?

18. If the survey showed some dissatisfaction among the employees, what type of program was undertaken to alleviate that dissatisfaction?

H₇: By responding to the security needs of the employees, a company can decrease its chances of being unionized.

Research Questions

20. To what degree were personnel decisions based upon seniority (decisions concerning layoff/recall, overtime work, promotion/transfer/bidding, and time off)?

21. Did the Companies have a formal affirmative action plan?

22. Did the Companies emphasize safety in the workplace?

23. Were the employees made aware of, and involved in changes within the Company?

Survey Questions

10. Please indicate to what degree employees' seniority was used to determine the following decisions.

11. Did the Company have a written affirmative action plan which was communicated to the employees?

12. To what degree did the Company emphasize to the employees the need for safety in the workplace?

13. When it was necessary to make changes which would affect the employees, to what degree did the Company explain the need for such changes to the employees?

14. Did the Company try to involve employees in the implementation of such changes?

H₈: A Company's efforts to maintain a competitive wage position will increase its chances of remaining non-union.

Research Questions

24. Did the Companies conduct comparative wage studies?

25. How did the Companies' direct wages compare with unionized firms in the labor market?

Survey Questions

22. Did the Company regularly compare its compensation to firms in the same labor market whose employees performed comparable work?

23. How did the Company's direct wages compare to unionized firms in the labor market?

H₈--continued

- | | |
|--|---|
| 26. How did the Companys' direct wages compare with wages paid by all the firms in the labor market? | 24. How did the Companys' direct wages compare to <u>all</u> firms in the labor market? |
| 27. How did the Companys' indirect wages compare with unionized firms in the labor market? | 25. How did the Companys' <u>benefit package</u> compare to <u>unionized</u> firms in the labor market? |
| 28. How did the Companys' indirect wages compare with those paid by all the firms in the labor market? | 26. How did the Companys' <u>benefit package</u> compare to <u>all</u> firms in the labor market? |

H₉: By establishing and maintaining a disciplinary system which is equitable, a company can reduce its chances of becoming unionized.

Research Questions

Survey Questions

- | | |
|---|---|
| 29. Were the disciplinary systems clearly communicated to the employees? | 6. How were work rules made known to employees? |
| 30. Were the disciplinary systems consistently administered? | 7. Please circle the response which reflects your feelings towards the statement, "The Company fairly and consistently administered work rules and discipline." |
| 31. What recourse was provided employees who felt they had been unjustly treated? | 9. What procedure was available to employees who felt they had been treated unfairly? |
| 32. Was progressive discipline used? | 8. Did the disciplinary system call for progressively more severe disciplinary action for each successive offense? |

H₁₀: A program implemented to detect organizational activity will provide the company a better opportunity to defeat an organizational attempt.

Research Questions

Survey Questions

- | | |
|---|---|
| 33. Were supervisors trained to detect organizational activity? | 4. Please indicate which of the following steps the Company took in an effort to detect <u>potential</u> organizational activity. |
| 34. Were communications channels reviewed for signs of organizational activity? | |
| 35. Were employee programs reviewed for signs of organizational activity? | |

H₁₀ --continued

- | | |
|--|---|
| 36. Were "special" employees trained to detect organizational activity? | |
| 37. Were outside sources used to detect organizational activity? | |
| 38. How did the firms learn of organizational activity at their facilities? | 28. By what means did the Company initially learn of organizational activity at its facility? |
| 39. Did detection of organizational activity permit changes in terms and conditions of employment before demand for recognition? | 30. To what degree did the Company make changes in the terms and conditions of employment after learning of organizational activity, but <u>before</u> the union made a demand for recognition? |
| 40. After knowledge of organizational activity, how much time elapsed before a demand for recognition was made? | 29. How much time expired between the Company's initial knowledge of organizing and the Union's demand for recognition? |

H₁₁: Companies will be more likely to win a representation election if their campaigns are directed by labor specialists.

Research Questions

Survey Questions

- | | |
|--|--|
| 41. Who directed the Company's election campaign? | 37. Who directed the Company's campaign? |
| 42. Was there a company representative who acted as spokesperson to the employees during the campaign? | 38. Who acted as primary spokesperson for the Company in communications to the employees during the election campaign? |

H₁₂: Companies which use many channels of communications in the election campaign will be more likely to win their elections.

Research Questions

Survey Questions

- | | |
|--|---|
| 43. How many channels of communications did the Companies use? | 42. Please indicate the means by which the Company conveyed campaign messages to employees. |
|--|---|

H₁₃: Company campaigns which emphasize personal communications will be more effective than campaigns which do not.

Research Questions

Survey Questions

44. How many "personal" channels were used?

42. Please indicate the means by which the Company conveyed campaign message to employees.

H₁₄: Company sponsored "captive audience speeches" will be effective in winning union elections.

Research Questions

Survey Questions

45. Did the Companies use "captive audience speeches"?

43. During the campaign, did the Company present a speech (concerning the campaign) to the employees during working hours at which attendance was required?

H₁₅: Companies can improve their chances of winning a representation election by influencing the timing and outcome of NLRB administered proceedings.

Research Questions

Survey Questions

46. What type of election was conducted?

36. What type of election was held?

47. Did the Companies influence determination of the bargaining unit?

32. To what degree did the Company try to influence the determinations of the bargaining unit in NLRB proceedings?

48. Did the Companies influence the time of the election?

33. To what degree did the Company try to influence date of the elections in NLRB proceedings?

35. How successful was the Company in influencing the date of the election?

49. How much time expired between filing of the petition and the election?

31. How much time expired between the filing of the petition for an election and the actual election?

H₁₆: An "offensive" company strategy, in which the company primarily introduces its own issues, is more likely to defeat the union than a "defensive" strategy.

Research Questions

50. Were the Company campaigns primarily "offensive" or "defensive"?

Survey Questions

39. Did the Company introduce its own campaign issues which it felt were important, or primarily respond to the claims of the union?

H₁₇: Company campaigns which concentrate on a relatively few major issues will be more effective than campaigns which attempt to address all issues.

Research Questions

51. How many issues did the Company campaigns emphasize?

Survey Questions

39. Did the Company concentrate upon a relatively few campaign issues or concentrate upon a wide range of campaign issues?

52. What were the major issues which were emphasized? 40. On what campaign issues did the Company place greatest emphasis?

H₁₈: A company campaign strategy which holds the strongest issues until relatively late in the campaign will be more effective than a strategy which calls for repeating those issues throughout the campaign.

Research Questions

53. Did the Companies hold their strongest issues until late in the campaign?

Survey Questions

39. Did the Company emphasize its strongest issues throughout the campaign, or wait until relatively late in the campaign to bring out its strongest issues?

H₁₉: Company efforts to point out to the employees some negative aspects of unionism will increase the Company's chances of winning the election.

Research Questions

54. What efforts did the Company make to discredit unions and union membership?

Survey Questions

41. Did the Company point out to employees some personal disadvantages of union membership, or faults of the union movement in general, or faults of the particular union conducting the organizing campaign?

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AN ANALYSIS OF UNION-AVOIDANCE TECHNIQUES
AND NLRB ELECTION OUTCOMES

by

Andrew A. Porter

(ABSTRACT)

Although the overall effect of labor unions represents a point of disagreement, most companies prefer not to have their employees represented by a union. The interest in preserving non-union status has led to the development of many diverse means of deterring unionization. These techniques are primarily provided by academicians who usually engage in empirical research, and by labor practitioners who base their writing on personal experience.

This study serves to bring together the various techniques of union-avoidance, presenting those techniques as long-term, "preventive" actions, or as short-term responses to actual organizational activity. Further, the study examined the value of these techniques in actually deterring unionization. Finally, the study examined the possibility that a relatively few, particular techniques of union-avoidance were specially effective in preserving non-union status.

Correlation and frequency analysis indicate that several of the techniques appearing in the literature are, in fact, related to

company election victory. Other techniques, as identified in the literature, were not related to election outcome. Seven specific union-avoidance techniques were primarily responsible for distinguishing election losers from election winners.

Companies which hope to remain non-union must be prepared to implement programs which are actually effective in deterring unionization. Failure to develop such programs will be unnecessarily costly and ineffective.