



## **Union Busting 101: Common Scare Tactics**

NPEU has seen every trick in the book when it comes to union busting. Here's the truth about some of the most common anti-union remarks and questions that we might hear from our own management.

Please keep in mind that many of the statements in these examples may be illegal under the National Labor Relations Act. Context matters, including the physical setting and whether others are present (and if so, who they are). If a manager asks you about the union, please let ACLU Staff United know about it. Proceed with caution and remember that you don't have to answer any questions if you don't want to.

### **“The union will control you!”**

**“Joining a union means losing your professional/salaried status.”** Your employer might claim that you will lose control over your schedule, be forced to clock in and out, or be required to take breaks at precisely the same time every day. This is simply not true, and any manager who says this is either uninformed or acting in bad faith. If they say it in a way that feels threatening to you, it might be illegal and you should let ACLU Staff United know about it.

**NPEU members are proud union professionals; our contracts often expand our flexibility and protect our professional status.** NPEU members negotiate their own rules about overtime and scheduling with their employer; some choose paid overtime, others choose to remain overtime exempt. Some members set their own schedule, but are still paid overtime or receive comp time during high workload periods.

**“The union will control promotions and duties.”** Your employer might suggest that union officials will control working conditions and will be able to play favorites the way management can now. Much like the example above, any manager who says this is either uninformed or acting in bad faith. A union is controlled by its membership. This is in fact a requirement of being a “labor organization” under the National Labor Relations Act (NLRA): participation by workers.<sup>1</sup> Your employer has absolute control over all work conditions today and every day going forward unless you have an effective voice.

**For the first time, you will be able to negotiate for a transparent, fair system for promotions and job assignments.** At NPEU, we know that no one understands a workplace better than the people who work there. We want you and your colleagues to negotiate a process for promotions and career ladders that works for your organization. A union contract can limit management's ability to use a different set of rules for

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<sup>1</sup> See Sec 2(5) of the NLRA (“The term ‘labor organization’ means any organization of any kind, or any agency or employee representation committee or plan, **in which employees participate** and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.”)(emphasis added).



each employee. And union representation requires management to bargain over such a contract. They can't opt out, as they can today and every day that you go without a union.

**“NPEU won't let you take a problem directly to management.”** Your employer might claim that under NPEU contracts workers must let “outsiders” from the union speak for them.

**NPEU will help you talk to management, but *only* if you ask for help.** With your union, you will select coworkers to be stewards—people who will be trained to represent you on the job if you want them to. If you feel you can get results from your supervisor without another voice in the room, nothing stops you from doing so. But if you feel like you need support, you have the union to turn to.

### **“You'll go broke from dues!”**

**“Union dues are really expensive!”** Your employer might warn that union dues will be an expensive burden.

**NPEU dues are actually very affordable.** NPEU dues are 0.75% of your pre-tax wages. That comes out to a little over \$30/month for someone making \$50,000/year. In addition to giving you a seat at the table, your first contract should far exceed the cost of dues in increased pay and benefits. And you won't start paying dues until *after* you've negotiated and voted on your first contract.

**“The union is only interested in you for your money.”**

**NPEU is a financially strong union which exists only to uplift the voices of working people at mission-driven nonprofits.** We invest in growing our union because we believe that all nonprofit professionals deserve a voice on the job—and we want to create a new, better standard for all nonprofit workplaces. Our union is run by an elected volunteer executive board and our financial information is available to any member who is interested.

**“The union will just spend your money on corrupt schemes and big salaries for union officials.”** Your employer might distribute reports which show union salaries and expenses. You may also be shown articles about charges of corruption in other unions.

**The democratically-elected executive board of NPEU helps decide how NPEU funds are spent.** The main use of funds is to help our members enforce their contracts. If an employer violates a union contract, NPEU will use its resources to support the affected staff and enforce the contract. Dues also cover things like annual meetings, solidarity events, and membership in our international union (IFPTE).

**“The union can raise your dues or charge you other assessments whenever it feels like it.”** Your employer might try to make you think that once you are in the union, there will be costs you didn't know about.





**NPEU dues are set by our constitution and can only be changed by a vote of all dues-paying members of NPEU.** If you pay dues, you get to vote on dues. At 0.75% of wages, NPEU dues are low compared with other unions, and have been that way for our entire 20+ year history. Besides dues, there are no other costs associated with being an NPEU member.

## **“Now is not the right time for this!”**

**“Should we really be spending time and energy on this during the COVID-19 crisis?”** Of course we support the rights of workers to organize, but can’t this wait until we’re more sure about what working at the ACLU will look like after all this?

**Yes, it’s the right time.**

We are thoughtfully moving ahead with organizing our union even at this time because we know that it’s the right thing to do and because it’s aligned with our values and the values as an organization. And as difficult decisions are made during this crisis, we will be well served by having discussions with management in an environment that is based on collaboration and a shared sense of responsibility.

## **“This isn’t a good idea for our workplace!”**

**“We won’t be one big happy family anymore, so we’ll be less flexible.”** Your employer may say that, if you have a union, new rules like punching a time clock or reduced flexibility in scheduling will be necessary. Your employer may even make some of these changes right now and try to blame them on the union.

**The union and management will get along fine—if management is willing.** When you negotiate a contract with your employer, you can agree to as much flexibility for employees as you want. Our contracts are negotiated by our members, who know their workplaces and know their own priorities. Negotiations can sometimes be tense, but the mission of the organization endures.

**“We don’t have to agree to what you want in the union contract.”** It’s illegal for an employer to refuse to sign a contract outright, so you might hear this kind of thing instead.

**Your employer is legally required to negotiate with you after you form a union.** That’s kind of the whole point! Nearly every employer talks tough before workers organize. But it is in the employer’s interest to keep workers satisfied and keep the work flowing. If your employer really believes they won’t have to agree to improvements, why are they fighting against the union?

**“Individual union supporters will lose their jobs.”** Your employer may hint that they plan to take action against those who support the union.

**It’s against federal law to punish anyone for supporting a union.** That’s why your employer won’t spell out this empty threat. NPEU, through our international union (IFPTE), has expert legal counsel who will defend the rights of any worker who may have been punished for union activity.





## **“Strikes!!!”**

**“Unions love strikes.”** Your employer may talk as though the whole purpose of the union is to call strikes. Workers join NPEU to improve their jobs, not to strike.

**We always try to solve disputes in a professional manner.** Strikes are very much economic weapons of last resort. In the 20+ year history of NPEU, we’ve never had to strike.

**“The union can force you to strike.”** Your employer may hint that, soon after you vote for a union, you will be on strike, like it or not, either over your own contract or to support NPEU/IFPTE members somewhere else.

**Only NPEU members themselves can decide to strike.** In IFPTE, a strike can only be called by a majority of the workers who would be directly involved—and only in a secret-ballot vote. You would never be asked to go on strike because of a dispute at a different organization somewhere else.

## **“We promise to make things better!”**

**“We know there are things we need to improve, we’re working on them, and we’ve already made a number of changes without needing a union.”** Your employer may claim that they are already committed to working with you to resolve your problems, or they may say that now that you’ve shown you are dissatisfied, you and your employer can work out all the problems by yourselves—so why pay union dues and make things unnecessarily antagonistic?

**A union contract is the only way to hold your employer to their promises, and guarantee that any changes are not merely temporary.** In most cases, the employer has had plenty of chances to change over the years. If your employer is really willing to change, they will sign a fair contract. Some workers have listened to employers’ promises only to learn the hard way that promises are forgotten if the union is voted down.

**“We’ll set up procedures for hearing your complaints.”** These may include: A new or improved “open door” policy or “worker participation” scheme so you can talk as an individual to top management when you have a suggestion or complaint. Or a “grievance procedure” that is set up much like the system established by union contracts—except that the boss still has the final say.

**Without a union, your employer still has the last word.** New procedures for hearing complaints may sound good at first, but without a union your employer can simply ignore your ideas. NPEU contracts provide for arbitration of disputes, so that if you and the employer can’t agree, the problem will be resolved by a neutral person chosen only with the approval of both sides. If your employer is so interested in what you have to say, why are they afraid to see you standing united while you say it?





**“We’ll change a few things that are really bothering you.”** Your employer may transfer one particularly unpopular supervisor or make changes in certain working conditions that have caused a lot of dissatisfaction.

**If you can get changes by *talking* about a union, imagine what you can get once you have joined one.** The experience of other workers shows that you have to continue your organizing to keep what you’ve won and get results the next time you have a problem.

## **“This will hurt the mission of the organization!”**

**“The union will cause us to take resources away from the mission, or worse—lead to layoffs.”**

**As cynical as this management tactic is, it needs to be stated: You believe in our organization’s mission, you are not greedy. You deserve a voice.** As the people who make your workplaces run everyday, you know more than anyone the important mission you serve. Mission-driven organizations must build a model that helps them live the vision they have for the world.

**“It’s not about us, it’s about the community.”**

**We love our jobs and the communities we serve, but our labor isn’t charity!** We believe that combating employee burnout and reducing turnover to increase diversity and preserve institutional knowledge are the best ways to carry out our important work. We know that the best way to achieve these things is through coming together in a union.

