Union_Avoidance.edited.edited.docx

by

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Union Avoidance

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Union Avoidance

Question 1

Employer or union acts that are unlawful as per the National Labor Relations Act (NLRA) and other employment laws are defined as unfair practices. Most of these principles apply to employer-union relations, while others safeguard ordinary workers from unjust treatment by a company or unions. In the case of Sid Supermarket, the NLRB will most likely view some incidents as unfair labor practices. For instance, Shaw decided to discipline two courtesy clerks for donning UFCW buttons on their clothing by asking them to remove the buttons. Another clerk wearing a button in support of the Chicago basketball team was not disciplined. As per the NLRA section 8 (1), it is unlawful for an employer to limit the employee's right to don union regalia at work (National Labor relations Board, n.d.). Also, Shaw engaged in unfair labor practices by asking Sid's employees to stop handing out union literature to employees as they enter and leave the market. Labor organizers who are not company employees are allowed under the NLRA to engage with employees outside the company premises and not interfere with the daily activities in the company. Via setting up a group meeting during company time to explain to employees that they are better off without a union, Shaw also engaged in unfair labor practices and violated section 8(1).

Question 2

However, there are a few incidences where the NLRB will consider fair labor practice. For instance, Shaw monitored employees to ensure that they were not soliciting the union during company time. Office hours are for working, so the employer can maintain and impose non - discriminatory laws restricting solicitation and propagation, except that the company cannot inhibit Sid's staff members from speaking about or propositioning for a union during non-work

hours. Also, the UFCW cannot coerce the employer to provide them with a list of the employees and their addresses. This action is tantamount to unfair labor practice because it goes against section 8(b) of the NLRA.

Question 3

In this scenario, Lee Shaw could have adopted a different strategy to deal with the unionization effort while still operating within the parenthesis of the law. For instance, Shaw should be keen on what is said on the ground and understand where the company is vulnerable. According to Orechwa (2015), Shaw should fix those vulnerabilities that encourage employees to consider unionizing. Shaw should not have monitored employees but accorded them an issue–free environment, where she encourages them to talk freely. Her decision to discipline workers for donning UFCW buttons was unlawful, and she should let them wear union regalia. More importantly, she should allow union officials who are not employees and are not trespassing to continue their unionization efforts outside the market because they were not interfering with the business.

References

National Labor relations Board. (n.d.). *National Labor Relations Act | National labor relations board*. https://www.nlrb.gov/guidance/key-reference-materials/national-labor-relations-act

Orechwa, W. (2015, July 28). *5 union avoidance tips that will transform your strategy*. UnionProof. https://projectionsinc.com/unionproof/5-union-avoidance-tips-that-will-transform-your-strategy/

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