

Are Union Promises Guaranteed?

We can get you better pay.

We'll make sure you don't lose benefits.

We promise you'll never lose your job.

During a union organizing campaign, both unions and employers communicate information with employees. It can be confusing to hear one message from leadership and a different message from union supporters, so we think it's important that you know exactly what the law says.

Federal law allows unions to promise you anything they want, even if it is not true. But unions have no power to guarantee their promises because the National Labor Relations Board has said those promises are:

"mere pre-election propaganda."

Shirlington Supermarket, Inc., 106 N.L.R.B. 666 (1953)

But, under the National Labor Relations Act, the law holds employers to a higher standard than union organizers during a union campaign.

(National Labor Relations Act, Act; 29 U.S.C. §§ 151-169. <https://www.nlrb.gov/guidance/key-reference-materials/national-labor-relations-act>)

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- Must stick to the facts
- May not make promises to employees
- May not make misleading statements
- May not threaten negative outcomes if the union gets in

Unions

- Do not have to tell the truth
- Can make promises they don't have the authority to deliver
- Can mislead employees to get them to sign cards or vote for the union
- Can threaten negative outcomes if employees don't sign a card or vote for the union



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Union organizers are not required to be accurate in communicating with employees.

Specifically, in key precedent-setting cases, the National Labor Relations Board has ruled:

Unions can promise wage increases, better benefits and protecting what you now have during an election campaign, even though they have no actual power to guarantee those things, because those promises are considered "mere pre-election propaganda."

Shirlington Supermarket, Inc., 106 NLRB 666 (1953)

Unions can tell employees that if the union wins the election, they can make more money, even if that is not necessarily true, because "employees generally understand that a union cannot automatically obtain benefits by winning an election but must attempt to achieve them through the collective-bargaining process."

Thrifty Rent-A-Car, 234 NLRB 525 (1978)

Unions can issue "misleading campaign propaganda" because the NLRB does not think employees are "naive" enough to believe all that they are told in the course of union election campaigns.

Shopping Kart Food Market, Inc., 228 NLRB 1311 (1977)

When union organizers start talking, follow these simple steps:

✓ **USE YOUR BEST JUDGMENT**

Is the union organizer promising they can make changes at the same time they're asking you to vote for them or sign a card or petition? Use your best judgment to decide what they are really after and remember they can't negotiate anything on your behalf until after the election.

✓ **ASK QUESTIONS**

Ask the union representatives to guarantee their promises, in writing, with their signature.

✓ **NOT INTERESTED? JUST SAY "NO!"**

If you don't want a union, you have the right to tell union supporters and organizers "no." You can also share your opinions and personal stories with your coworkers.