



Special Response Corporation Guide to Successful Handling of Labor Disputes

MANAGEMENT GUIDE TO STRIKES & LABOR DISPUTES

About Special Response Corporation

Special Response Corporation is North America's most trusted specialists in protecting personnel and property during strikes, labor disputes and other potentially dangerous workplace situations.

Established nearly two decade's ago and counting many of the world's leading corporations among its clients, Special Response maintains a large, dedicated and highly-trained force of security force commanders and officers. Deployed anywhere in the country at virtually any level of strength within hours, a Special Response security team secures the situation with an unrivaled understanding of every aspect of physical, psychological and public image threats, and how to defend against them.

For information about our services, references and details about our inexpensive Special Report that gives you an informative, actionable snapshot of your current security posture and risks, please contact:

Managing to Survive a Modern Day Labor Dispute

When your unionized company is the target of a strike or other form of labor dispute, your actions should be guided by two primary business objectives:

- * To negotiate a fair and workable agreement, that also protects managerial prerogatives to control your workforce, and
- * To minimize immediate and longer-range economic damage

By staying focused on these objectives, your management and security team will be less vulnerable to the legal, political and public relations tactics that have become potent weapons used by labor unions and protesting workers.

A time when friends turn against you.

Supervisors who've never gone through a major labor dispute can be caught off guard when formerly friendly subordinates turn belligerent. Training should ingrain two points: (1) No matter what happens, don't let your emotions get the best of you, and (2) don't do anything to jeopardize future working relationships.

The days when strikes involved angry mobs of hostile workers battling armed guards are rare in the present, thanks to labor law reform and social conditions, although they still have powerful political connections. In fact, the economic power of unions has diminished in recent years, as their membership has dropped to 15% of America's workforce. But labor disputes still create tensions – on both sides – so management must be prepared to deal with volatile outbreaks.

There are two kinds of picketing.

Orderly and peaceful informational picketing is intended to make the public aware of union grievances. It usually involves a relatively small number of reasonably well-behaved pickets, and is legally protected "free speech" in the absence of a "no strike" clause.

Mass picketing has a very different purpose: to use sheer numbers to intimidate and otherwise discourage workers, truck drivers, customers and the general public from crossing the picket line. Such picketing may be legal, if orderly, peaceful and it does not block ingress and egress to the facility, but large crowds and strong emotions frequently lead to threats and violence, and *thereby become illegal*.

For the best protection against work disruptions, management must:

- * Create and maintain detailed **contingency plans**
- * Establish effective means of internal and public **communications** involving all effected parties, and
- * Prepare for the proper **documentation** of strikers, union officials and others when they improperly interfere with company operations or engage in intimidation or outright attacks against people or property

The following recommendations along these lines apply not only to strikes but also to other potentially damaging situations, such as

- Plant closings
- Workforce downsizing
- Union representation drives or boycotting of non-union operations
- Acts of coercion, violence and destruction by disturbed individuals
- Floods, fires and other events that jeopardize plant operations
- Generalized riots that may effect company facilities
- Terrorist threats and attacks

Planning... Before Trouble Strikes

Don't let a disruptive labor dispute catch your company by surprise. Create and periodically reevaluate contingency plans that will carry you through whatever situation arises. It's the only way to minimize damage to your company's reputation and profits.

When should you start planning?

It's never too early to start planning for a labor dispute. Start several months before an existing labor agreement is set to expire. Start now... because a wildcat strike or some other non-labor-related event could occur at any time.

Don't be secretive.

You might be tempted to keep your contingency planning process secret, but it's better to be open about it. Why? In the modern world of labor-management disputes, thorough planning is actually a show of strength. Smart union officials will realize your company will be harder to discredit, disrupt or financially damage. A thoughtful, no-nonsense planning process will also show the company's resolve.

Two plans are better than one.

Depending on your company's situation and on the nature of the labor dispute you might encounter, you might need to implement either of two similar but different plans:

- * A plan for continuing plant operations
- * A plan for a temporary plant shutdown

Both call for securing facilities. Both call for appropriate communications with supervisors, workers, suppliers, customers, contractors and carriers, local law enforcement and fire officials, and others. Both call for careful observation and appropriate documentation of illegal activities. And the plan for continuing operations includes the special challenge of safely moving personnel and materials through hostile picket lines.

The first step in planning is to survey your current security posture. Using an outside consulting service experienced in planning and implementing strike security will assure thoroughness, objectivity and insights gained from the experience of similar companies facing similar challenges.

The assessment should include four main elements:

1. A study of the present security program, including corporate policies, procedures, and training activities.
 2. Personal interviews with management personnel who are likely to play roles in securing and supervising operations during labor disputes.
 3. A review of labor disputes that have happened in the past – at the company’s own facilities, at similar facilities in the area, at other plants in the same industry, and under the guidance of the same union.
 4. A comprehensive report on existing physical security assets and specific procedures in emergency situations (see box).
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Physical Facilities Security Survey Checklist

A thorough evaluation of current security measures would cover:

- * Overall security concept
- * Perimeter barriers
- * Area security
- * Building security
- * Computer security
- * Protective lighting
- * Theft and pilferage control
- * Identification and control of personnel
- * Identification and control of vehicles
- * Key control, locking devices and containers
- * Fire protection
- * Emergency planning
- * Response to bomb threats
- * Executive protection
- * Closed circuit television

- * Electronic security
- * Security force

A complete list of recommendations for strike preparation will vary from one company to the next. But the following list is a good start.

PRE-STRIKE PLANNING RECOMMENDATIONS

- * List all supervisors who will have responsibilities during a labor dispute, with phone numbers where they can be reached at any time
- * Pre-arrange hotel and motel reservations for out-of-town supervisors, workers and others you will want on hand during a strike
- * Create a “telephone tree” by assigning 6 persons for each supervisor to contact when an alert goes out from management
- * Make sure everyone who is relaying instructions to read them from written documents, to minimize miscommunications
- * Plan transportation to and from the plant, including satellite parking, possible arrangement for common carriers, identification of plant entrances and exits to be used, preferred routes to be used, identification of vehicles to be used
- * Set up car pools or bus service to transport employees if violence is feared
- * Post “no trespassing” signs at intervals of 50 feet or less around on all property lines
- * Post temporary “no parking” signs at all perimeter entrances to keep those areas clear of visual, pedestrian and traffic obstructions
- * Paint property lines at entrance points to delineate boundaries
- * Issue picture I.D. to all management and administrative personnel, regular and temporary employees, and some form of I.D. to all property visitors

- * List all personnel who are authorized to access your facilities, to be used by management and security personnel
- * Instruct working employees and supervisors about what to expect in the way of harassment, not only on picket lines but also at home and on the road, and how to react to it
- * Train all management personnel and workers on the do's, and don'ts of crossing picket lines
- * Equip office and key management residential phones with recording and caller I.D. capabilities in preparation for telephoned threats
- * Be prepared to protect key management personnel and their families with security personnel, and or V.I.P. Protection home alarms, and cell phones in the event that violence is threatened
- * Remove hazards, plan inspections and strengthen perimeter security to minimize sabotage
- * Plan to regularly sweep approaching roadways for nails and other hazards
- * Establish a key control system that is closely supervised by management
- * Keep all exterior exits locked from the outside for the duration of the labor dispute
- * Establish a zero tolerance policy for all threats or company destruction by employees
- * Though primary documentation of picketers' activities should be handled by trained, experienced security professionals, you should also issue inexpensive cameras to management personnel (trained in the basics) as a fallback
- * Make sure all firefighting and hazmat equipment is up to date, and clean up facilities to minimize fire hazards
- * Inspect and update on-site medical supplies
- * Inspect and test all facility alarm systems

- * Install locking devices on all vehicle fuel tanks and facility storage tanks
- * Move all materials at least 6 feet away from the inside and outside of fences to prevent fence climbing and also reduce the likelihood of vandalism
- * Remove combustible materials, including trash, from areas where cigarette butts, or any other incendiary devices that could be used to ignite them
- * Evaluate interior and exterior lighting in all critical areas, bearing in mind that it's better to illuminate the perimeter of your facility (lights aimed outward, in the eyes of intruders) rather than illuminating the plant itself
- * Hire a professional photographer to create aerial photo documentation of all buildings, grounds and surroundings, for use in your planning process and to give to local fire and police departments
- * Advise police, fire and emergency medical officials of the possibility of a strike action, bring them to your facilities for on-site inspections, and discuss how you can help them protect your facilities and people in case of threats or violence
- * Establish a Special Response Team that can respond immediately and effectively in any area where it may be needed
- * U.S. Mail may not be delivered during a strike, so plan to pick it up at the post office
- * UPS, and other couriers usually don't deliver during strikes, so arrange an alternative delivery-pickup site with them before the strike begins
- * 45 days prior to a the possible strike date, list and notify all suppliers, delivery companies, contractors and others who will or may be visiting your plant during the strike, apprising them of what to expect
- * 3 days prior to a possible strike date, you must send a registered letter to all of the above, indicating exactly what's happening and giving them phone numbers and e-mail addresses with which appropriate company personnel can be contacted

** Review all plan particulars every 10 days (because things will change)*

Know Your Rights... and Wrongs

Before a strike or labor dispute occurs, company management, supervisors and workers should be familiarized with the rights of the company and its workers, the rights of strikers and union officials, and how to conduct themselves legally (not to mention safely) when encountering strike activities.

The Legal Contest

Overall, the aim is for *your* side to conduct itself properly... and to watch for – and get evidence of – any misconduct on *their* side. If they overstep legal boundaries, the company should be able to get a surift injunction against them or even a contempt order. Results: better public image, more negotiating leverage, less interference with operations, and quicker resolution.

Management has the right to...

- * Permanently replace striking workers, subject to certain technical, legal ground rules
- * Replace – but not fire – non-bargaining-unit workers who peacefully respect the picket line
- * Continue operating its business using supervisors, new hires and individual contractors without union interference
- * Pay non-striking employees and new hires what it last offered the union before the strike occurred

- * Get Police protection and Private Security
- * Stop paying wages and benefits to strikers after a strike begins
- * Stop honoring a union shop and union dues check off clause contract the day the contract expires
- * Hire employees in anticipation of strike, though it would not be proper to flaunt this to employees who may go out on strike
- * Insist that suppliers' drivers or management cross picket lines to make deliveries

Employees have the right to...

- * Cross a picket line, and come to work, as long as they do so peacefully.

Management does NOT have the right to...

- * Make further bargaining with union contingent upon ending the strike.
- * Deny vacation pay to strikers if it has been earned, but not taken.
- * Offer super seniority to non-strikers.

Picketers/Union Rights

The National Labor Relations Act spells out those conditions under which workers can legally strike and picket. Within certain limits, they have the right to do this peacefully.

However, proper conduct on the part of strikers is strictly defined legally. Union officials and pickets do NOT have the right to...

- * Prevent employees, suppliers or customers from entering or leaving a facility
- * Interfere with any of the above people as they drive to or from work or home
- * Bump, jostle or hit any of the above people while coming or going

- * Damage vehicles or property that are passing through a picket line
- * Block access to facilities with vehicles, barricades, glass, tacks, human chain, or any other means
- * Carry sticks, clubs, chains, guns, or anything else that could be used as a weapon, or pile bricks or stones nearby
- * Threaten bodily harm to non-striking employees or their family members *anywhere*
- * Carry out threats against or assault non-striking employees
- * Attack the property of the company or of non-striking employees
- * Trespass on the company's property
- * Threaten non-strikers with the loss of their jobs or seniority if the union wins
- * Gather in such large numbers that they block entrance or exit from company property or obstruct public streets or sidewalks

Choosing a Security Firm

Should you rely on your in-house security personnel or current vendor to handle strike security?

In virtually all cases, the answer is no for two important reasons:

- (1) Security is unlikely to have the specialized skills, knowledge and experience you need.
- (2) Security personnel invariably have friendly personal relationships with employees who may go out on strike. This could lead to innocent "leaks" of vital information, hesitancy in carrying out orders, emotional reactions to taunts and other incidents, and problems that can linger well beyond the settlement of the labor dispute.

What do you look for in an outside security firm?

First, be sure you're dealing with a company that specializes in providing security for companies during labor disputes. An ordinary "guard company" may do a good job under other circumstances but, like an in-house security force, it will not understand labor law, the psychology of picketing, how to cope with a wide range of threats, how to document infractions, and countless other particulars that may come into play.

Look for an outside security firm that:

- * Has extensive experience providing labor dispute security
- * Offers strong references from major clients
- * Has a workforce of highly-trained personnel that is big enough to respond to any situation that may arise at your facility
- * Uses only its own employees, not subcontractors
- * Hires only those individuals with law enforcement and military background, clean records, and verified personal and employment references
- * Trains personnel in every aspect of this specialized field, from communication and documentation to patrol procedures, from report writing to fire prevention, from dealing with violence to testifying in court, from property protection to first aid, with 40 hours of Pre-Employment Training
- * Maintains highly professional appearance and conduct on the job
- * Knows how to establish effective field command
- * Offers specialized services such as bulletproof transportation, K-9 support, non-lethal weaponry, and sophisticated surveillance
- * On alert 24/7, able to respond anywhere.
- * Can help you in the pre-planning and post-action stages
- * Maintains full insurance coverage

The Outsourced Strike Management Team

This team anticipates problems, works with you to draw up comprehensive plans, deploys security personnel effectively, guides management and workers through crises, earns the respect of the opposition, does post-action assessments... and then leaves.

Conduct During a Strike

When a strike or labor dispute actually occurs, there will be many specifics management and workers should be mindful of in order to conduct business safely and efficiently. Here are some general guidelines.

Dos & Don'ts for Management

Do...

... tell union employees they have a right to come back to work and that you will provide security for them if they choose to do so.

... tell union employees the company will continue operating and may hire replacement workers under certain circumstances (not an unfair labor practice strike, etc) and they can lose their jobs.

... use an incident log and witness statements to document any violations by union officials or strikers.

... keep a written record of non-union workers' communications regarding whether or not they will report to work, and why, and give these records to your human resources department.

... ask workers if they are being harassed in any way.

... send all returning strikers immediately to the human resources department.

... refer all questions from the media or other outsiders to those in charge of the Company's public relations or public affairs.

Don't...

... engage strikers in conversation, especially about returning to work.

... threaten union members for honoring picket lines.

... promise anything to union employees for returning to work.

... poll your employees prior to a strike.

... discuss the strike, negotiations, or company activities with any striking employees, even those who seem friendly.

... make private deals with individual employees; all contract bargaining must be with the union only.

... meet with individuals or groups of striking employees for any reason, because it may look like or can be made to look like illegal bargaining.

... question employees about the union.

... spy on union activities.

... respond to questions from reporters or government officials, refer them to those in charge of the company's public relations or public affairs.

... respond to picketers with profanity, threats, gestures or improper actions.

... use force to cross picket line.

... lose your temper if taunted or intimidated by strikers, understanding that it may be a ploy to get trap you into an improper reaction.

... drive through picket lines at a dangerous speed.

... take pictures in the absence of unlawful union activity.

... talk to picketers for any reason unless management or security personnel are there as witnesses, and your labor counsel approves.

Dos & Don'ts for Workers

Do...

... act friendly towards fellow workers who are striking.

... cross picket lines with care (see following list of tips for this).

... take notes privately about any problems or unusual incidents you experience while crossing picket lines, and report them.

... report anything unusual that you witness or hear about to security.

Don't...

... have a conversation with an individual striker if others might see and hear you but misunderstand what you're saying.

... ask strikers if they want to come back to work, try to persuade them to do so, or make any promises.

... ask strikers how the strike is going.

... ask strikers anything about the union or its plans.

... ask strikers how they feel about the strike, the union's actions, or the company's actions.

... ask strikers how they feel about management's contract offers.

... get drawn into conversations with strikers away from the site of the strike, especially if the strike situation is likely to come up.

... meet with any strikers to discuss them returning to their jobs, which they should discuss with management instead.

... take pictures of the picket line, because others who understand the legal requirements will be assigned to do.

... take notes openly about what you observe or hear at picket lines, as this may make you a target for harassment.

... taunt or threaten strikers in any way or react emotionally to anything they might say to you.

... aside from using ordinary self defense, don't get physically aggressive if blocked or taunted at the picket line.

... discuss wages, benefits or other employment details of those who are working with those who are on strike.

... tell strikers or others on the picket line to move, unless they are blocking your way.

Crossing a Picket Line

1. Carry a cell phone when you leave for work.
2. When leaving home for work, start preparing yourself mentally for being stopped at the picket line.
3. Watch to see if you're being followed on the road, call 911 if you are and pull in at a police or fire station if there's one nearby, know these locations along your route.
4. Try to approach the plant entrance in such a way that you'll be making a right turn in and won't have to block traffic.
5. As you approach, watch for directions from law enforcement or security officers.

6. Keep vehicle doors locked and windows up as you approach the picket line.

7. Drive very slowly as you approach and cross the line, prepared to stop quickly if a picketer steps in front of you to try to get your vehicle to touch him.

8. Do not shout taunts or profanities at picketers, no matter what they say or do to you.

9. If you are blocked by picketers, stay as long as it's safe (longer delays are more actionable in court) and then, if you have to leave, *don't go home...* get to where you can safely phone the company's strike command center, tell them what happened and ask them for transportation assistance.

10. If your vehicle is damaged while entering through a picket line, report it to a security officer as soon as you are safely inside.

11. If your vehicle is damaged while leaving through a picket line, drive to a safe place and report the incident to the company strike command center right away.

Signs of Trouble

Be alert for the following signs of an outbreak of violence:

- Nails in the entrance roadway
- Picketers defiantly blocking the entrance
- Loud yelling, profanities and threats
- Picketers jostling and harassing passing employees
- Picketers throwing rocks at passing employees
- Alcohol or drug use on the picket line

If you see any such activities, stay back, notify the security command center, and let them deal with the situation.

Special Considerations

Sabotage

It is not unusual for acts of sabotage to occur in conjunction with labor disputes.

Typical targets are plant structures and systems, utility lines and equipment, production equipment, tools, computers and other items involved in plant operations.

Sabotage happens most often when workers are walking off the job, so be sure to secure vital areas and dangerous or vulnerable assets, and have security officers on hand with still and video cameras to discourage and document any destructive actions.

Report any damage and repair or replace damaged items immediately.

Once the strike has begun, stay on the alert for sabotage by sympathetic non-strikers and crossovers.

Truck Security

Because trucks must operate away from the more controlled plant setting, special consideration must go into protecting them, their drivers and their cargo.

- * Inspect the truck thoroughly, inside and out, before loading.
- * Before a truck leaves, check the area for suspicious vehicles.
- * On the road, the driver or helper should check frequently to see if they are being tailed by a union activist.
- * The route should be reviewed with the security command center before departure, and drivers should not stray from the designated route or schedule.

* If the truck must make a stop along the way, one person with a camera should stay with it at all times to watch for and document any tampering or assault.

* En route, drivers should always be watchful for rocks or other things being thrown at trucks, slashed tires, sugar dumped in fuel or oil supplies, or verbal or physical attacks.

* Any suspicious activities, threats or harmful acts should be reported to the local police and to the company security command center immediately.

Observation and Documentation

If the union or picketers get out of line in any way, management can use this to strengthen its bargaining position, sway public opinion, and persuade the courts to step in and limit strike activities.

But this is only possible if infractions are properly documented, with factual reports and irrefutable evidence.

Such documentation should be handled by trained Strike Observers.

Strike Observers

Strike Observers should be employees of the outside security force, not management personnel. This is because, unlike management, the security personnel are highly trained and experienced in careful observation, the use of surveillance equipment, gathering and reporting the kind of information that will be relevant in court, and defending themselves should they be targeted by strikers.

Equipped with binoculars, logbooks, still cameras, video cameras, possibly night vision equipment (but usually not listening devices, which sometimes are not legal), cell phones or radios, Strike Observers should be posted at all entrances, doorways, approach routes and parking lots to collect such documentation as:

* Imaging and identifying participants in unlawful acts, such as violence, property damage, blocking those trying to cross picket lines, and turning back vehicles

* Messages on picket signs

* Evidence of the direct involvement of union officials in particular strike activities

With still photos, film or video, the photographer must be able to identify time and place, weather, type of equipment used, and the custody of the film from the time it was exposed to when it was processed, to assure against tampering.

Threats and Suspicious Vehicles

Threats are rarely received initially by trained security personnel, and observations of suspicious vehicles are often made by employees as they come and go, so these are two areas in which management and non-striking workers need to know what to do.

Threats of violence

If received by phone, remain calm, keep caller on line, asking him to repeat anything that isn't clear, write down the caller's words as accurately as possible, notify security as soon as possible, and be prepared to make a full report. If the threat comes by mail, handle the letter and envelope as little as possible, contact security, and follow their instructions.

Suspicious Vehicles

Make, model, year, color, plate number and description of occupants should be reported to security, if possible, for any vehicles that

- seem to be gathering places for picketers and union officials, often pickup trucks, vans, campers, mobile homes
- are used to block traffic or block individuals or vehicles attempting to cross picket lines
- are "burning rubber," speeding, or otherwise driving recklessly
- are observed tailing employees or trucks on company business
- are transporting picketers or union officials
- seem to be used for surveillance

Documentation

Some basic documentation your company will want to develop includes:

- * Dos & Don'ts Lists – as reference for management personnel.
- * Picketing Incident Report – a running 24-hour commentary on everything that occurs at each picketed location.
- * Picketing Checklist – this prompts observers to document the kind of information that might be used to get a court injunction against the picketing.
- * Witness Statement – This is used to get a thorough, consistent and signed report of pertinent facts from anyone who has witnessed questionable or clearly unlawful incidents.
- * Bomb Threat Report – all personnel who may receive bomb threats should have this form on hand to help them record vital information to be turned over to the security command center.

Communications

If your company is to function even minimally during a strike or labor dispute, effective communications is key.

During the planning stage, be sure workable channels of communications are opened between all concerned parties:

- Management
- Supervisors
- Non-striking workers
- Security personnel
- Suppliers
- Customers
- Local government
- Media
- Police, fire and EMS officials

Once a strike begins, check daily to make sure no one is suffering from a failure to communicate.

Remember that communications means not just informing various parties, it also means: (1) reassuring those who are concerned about the welfare of the company or the safety of its workers and others, (2) reminding everyone about how to respond (or not respond) to picketers' tactics, and (3) gathering reports and evidence that can be used to bolster management's position in negotiations.

After the Strike

Once a labor dispute is settled, it's time for everyone to get back to work. Though there may be lingering bitterness on both sides, focusing on business usually helps get everyone back to normal.

It would be a mistake, however, to just leave it at that. It is vital that Special Response Corporation representatives and company management sit down together to conduct a thorough and frank post-action analysis of what happened, what worked, what didn't, and why.

This is the best time – with everyone's experiences and observations still fresh – to improve the company's contingency plans. As mentioned in the introduction to this guide, there are a number of unforeseen crises other than labor strikes that can put your company to the test. A proven plan, reviewed and updated periodically, can serve as a great set of marching orders if and when your company must react calmly and effectively to an emergency situation.

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