

# SUPERVISOR POCKET GUIDE



## 1

### YOUR RIGHTS AS A SUPERVISOR

- You have the right to ask non-employees (including union reps) to leave private property. If the property is owned by another party, you may require their consent or assistance on directing non-employees to leave private property.
- You can require that employees work without interruption during work hours.
- It is generally advisable to ask who the person is and what their purpose is. If the person makes representations that they represent a majority of your employees, state that you do not believe it. If the person is demanding voluntary recognition, decline to do so. Immediately inform management of any such discussions, as the employer may have an obligation to file a petition with the National Labor Relations Board.
- If they refuse to leave, contact upper management, security, or law enforcement.

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### WHAT YOU CAN SAY TO EMPLOYEES

- **Recommended:** Ensure your company has a clear, consistently enforced policy regarding non-employee visitors and solicitation. Allowing other outside groups (e.g., vendors, charities, political campaigns) to solicit on-site but denying union representatives could be considered discriminatory and result in an unfair labor practice charge.

- You may express **Facts, Opinions, and Experiences** (FOE), but avoid threats or promises.
  - Example: “In my experience, unions can complicate how quickly issues are resolved.”
  - Example: “Union dues are typically \$\_\_\_ per month. That cost must be borne by only employees and is something to consider.”
- You may remind employees: “It’s your right to talk to a union or not—it’s completely your choice.”

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### WHAT YOU CANNOT SAY OR DO

- **No Retaliation – Zero Tolerance:** Never take adverse employment action against an employee for their union sentiments, involvement, or engagement in protected concerted activity. This includes firing, discipline, demotion, withholding of wage increases, lost hours, or missed opportunities. Even subtle changes can be illegal. Always consult HR or management before acting. Treat all employees the same, regardless of union views.
- **No Pressure:** Don’t suggest that supporting a union will damage relationships or betray the team. Avoid comments about “family” or personal disappointment—these can be seen as coercive.
- **No Coercion – Even Subtle Pressure Is Unlawful:** Do not pressure employees to oppose the union, even in indirect ways. Comments, tone, or behavior that make workers feel intimidated,

watched, or judged for their views can violate the law. If an employee could reasonably feel pushed one way or another, it may be considered coercive.

- **TIPS – Illegal Actions**
- **Threats:** Never imply layoffs, job loss, loss of benefits, or site closure if the union is supported.
- **Interrogation:** Do not ask who supports the union, who spoke to the rep, what caused the unionization attempt, or what was discussed with the union.
- **Promises:** Do not offer raises, promotions, changes in policies or practices, or other benefits in exchange for rejecting the union.
- **Surveillance:** Do not monitor, photograph, record, follow, or listen in on union-related conversations or create the impression that you are doing so.

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#### IF A UNION REP IS ON SITE

- **Ask:** “Can I help you? Who are you with?”
- **Inform them:** “This is private property. We don’t allow unauthorized solicitation. Please leave.”
- If they do not leave, contact security, management, or law enforcement as needed. **Do not touch, threaten, or argue.**

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#### HANDLING EMPLOYEE CONVERSATIONS

- Do not interfere with off-duty employees speaking to union reps offsite or on break.
- You may direct on-duty employees to return to work, consistent with company policy for any non-work interruption.
- Do not treat union-related talk more harshly than other personal or outside conversations.

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#### AFTER THE ENCOUNTER

- Immediately document what happened: date, time, who was there, what was said.
- Share notes with management and/or HR. **Do not use the notes to punish or identify union supporters.**

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#### GENERAL RULES

- Always apply policies consistently. Do not single out union activity.

\*This Supervisor Pocket Guide is provided for informational purposes only and is not intended as legal advice. The content may not reflect the most current legal developments and is not a substitute for professional legal counsel.

