

# MAKING INFORMED DECISIONS

## Know The Facts: New Seasons and the Union Have Different Rules During a Union Campaign

A few staff members have asked questions about ongoing union votes at other stores and activity at our store. We encourage this open information sharing as there is a lot of information to absorb.

However, the **rules for New Seasons and the union are different – and it’s important for staff to understand how these rules work and listen to promises being made.** Federal law limits what New Seasons, as the employer, can do or say during a union organizing campaign. Unions do not have the same restrictions. For example:

### New Seasons *can’t*:

- ✓ Ask staff what they want changed (we can listen to specific concerns or ideas, but not solicit them)
- ✓ Promise better benefits, higher wages, etc., to try and influence how a staff member votes
- ✓ Under the law, grant new wage increases or other new benefits after a petition is filed because doing so could give the appearance of interfering with staff members’ rights and the election
- ✓ Promise what a labor agreement with the union would look like
- ✓ Ask staff whether they support or oppose the union (again, we can listen but can’t ask)
- ✓ Predict how having a union would impact business, the ability to operate the business and compete with other grocers, staffing, pay and benefits, or the customers

### Unions *can*:

The union can make promises that sound like guarantees. Ultimately, if a union is voted in, the union and company would go through a “collective bargaining” process to reach agreement on terms of employment. We’ll explain this process more in our next flier, but a few things to know about what unions may do during campaigning:

- ✓ Ask for a “wish list” of items staff would like to change under union representation – things like how items are merchandised, what products we sell, hiring initiatives, product pricing, etc., even though many of these items are considered “permissive subjects” that the union and New Seasons would not be legally obligated to bargain over
- ✓ Make promises that this “wish list” or things like higher wages, more paid time off, etc. will come true if the union is voted in
- ✓ Text staff on their personal cell phones, visit staff members’ homes and hold meetings away from work

### ADDITIONAL CITATIONS:

We encourage staff to seek information and, importantly, conduct their own research on the promises organizers are making, as cited by the National Labor Relations Board (NLRB):

- ❖ A union 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 ***union promises are considered “mere pre-election propaganda.”*** (*Shirlington Supermarket, Inc.*, 106 NLRB 666) (emphasis added)
- ❖ A union can tell employees if it wins the election, employees will 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) (emphasis added)

**All of this information can be verified by the NLRB or on the agency’s website: [www.nlr.gov](http://www.nlr.gov).**

