# Facts or Promises?

## <u>Who to Believe?</u>

Wondering who you can trust when you hear conflicting information about unionization? At Magellan, we hold ourselves to the highest standards of business ethics, which includes communicating truthfully and with respect.

### YOU SHOULD KNOW:

**Under the National Labor Relations Act, the law holds employers to a higher standard than labor unions during a union campaign.**

*(National Labor Relations Act. Act; 29 U.S.C. §§ 151-169. www.nlrb.gov/resources/national-labor-relations-act-nlra.)*

| EMPLOYERS | UNIONS |
|---|---|
| Must stick to the facts | Do not have to tell the truth |
| May not make promises to employees | Can make promises they don't have the authority to deliver on |
| May not make misleading statements | Can mislead employees to get them to vote for the union |
| May not threaten negative outcomes if the union is voted in | Can threaten negative outcomes for not voting for the union |

### YOU SHOULD KNOW:

**The union is not required to be truthful in its communications 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 "naïve" enough to believe all that they are told in the course of a union election campaigns.

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

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