

23. Kiewitz, "Suffering in Silence," op. cit. In another study, high-performing employees were more likely to become victims of covert victimization, while low performers were more often victims of overt victimization. Jaclyn Jensen, Jana Raver, and Pankaj Patel, "Is It Better to Be Average? High and Low Performance as Predictors of Employee Victimization," *Journal of Applied Psychology* 99, no. 2 (2014), pp. 296–309.
24. Martin Berman-Gorvine, "It Takes More Than Words to Stop Workplace Bullying," *Bloomberg BNA Bulletin to Management*, June 20, 2017.
25. <http://view.fdu.edu/default.aspx?id=3529>, accessed September 6, 2012.
26. Ibid.
27. Carolyn Hirschman, "Giving Voice to Employee Concerns: Encouraging Employees to Speak Out Requires Respectful Treatment and Appropriate Action," *HR Magazine* 53, no. 8 (August 2008), pp. 50–54.
28. Everett Spain and Boris Groysberg, "Making Exit Interviews Count," *Harvard Business Review*, April 2016, <https://hbr.org/2016/04/making-exit-interviews-count>, accessed April 3, 2018.
29. See, for example, Benjamin Schneider et al., "Organizational Climate and Culture," *Annual Review of Psychology* 64 (2013), pp. 361–388.
30. Rachel Silverman, "Are You Happy in Your Job? Bosses Push Weekly Surveys," *The Wall Street Journal*, December 3, 2014, pp. B1, B4.
31. Laszlo Bock, *Work Rules!* (New York: 12, 2015), pp. 140–142.
32. "Survey: Employee Survey Number One," www.shrm.org/templatestools/samples/HRforms, accessed April 11, 2012.
33. Pat Lenius, "Murray Supply Host Recognition Dinner," *Supply House Times*, May 2011, p. 70.
34. SHRM Survey Findings: Employee Recognition Programs, Winter 2012. In collaboration with and commissioned by Globoforce (www.globoforce.com).
35. This is based on "Recognition: Awards Checklist," August 22, 2014, https://www.shrm.org/resourcesandtools/tools-and-samples/hr-forms/pages/recognition_awardschecklist.aspx, accessed April 3, 2018.
36. <https://online-rewards.com/program/employee-recognition/>; www.globoforce.com/how-it-works/; and www.thanksbox.co/solutions/reward-and-recognition/, all accessed April 2, 2018.
37. Martin Berman-Gorvine, "Honoring Workers Can Boost Employer's Bottom Line," *Bloomberg BNA Bulletin to Management*, July 18, 2017.
38. <http://mashable.com/follow/topics/pinterest>, accessed April 15, 2012.
39. "Over Half of Employers Use Social Media for Internal Communications, Survey Reveals," *Bloomberg BNA Bulletin to Management*, June 4, 2013, p. 179.
40. <http://mashable.com/2012/04/06/pinterest-employee-engagement/>, accessed April 15, 2012.
41. Tamara Lytle, "Giving Employees a Say: Getting—and Acting on—Ideas Offered by Employees Can Save Employers Money and Build a Sense of Ownership among Workers," *HR Magazine* 56, no. 10 (October 2011), pp. 69–74.
42. James H. Shonk, *Team-Based Organizations* (Chicago: Irwin, 1997), pp. 27–33.
43. Everett Adams Jr., "Quality Circle Performance," *Journal of Management* 17, no. 1 (1991), pp. 25–39; "Quality Circle," <https://www.economist.com/node/14301388>, accessed April 3, 2018.
44. See, for example, Jack Orsburn et al., *Self-Directed Teams* (Homewood, IL: Business One Irwin, 1990), p. 8; <http://sloanreview.mit.edu/article/how-to-lead-a-self-managing-team/>, accessed July 14, 2014.
45. Charles Fishman, "Engines of Democracy," *Fast Company*, October 1999, pp. 173–202.
46. "GE Aviation Plans to Open New Plant in NC," June 17, 2013, <https://www.yahoo.com/news/ge-aviation-plans-open-plant-162304601.html>, accessed April 3, 2018.
47. Susan Wells, "From Ideas to Results: To Get the Most from Your Company's Suggestion System, Move Ideas up the Ladder through a Formal Process," *HR Magazine* 50, no. 2 (February 2005), pp. 54–59; Rebecca Hastings, "Survey: Employees Have Plenty of Suggestions," www.shrm.org/HRdisciplines/employeerelations/articles, February 29, 2012, accessed April 15, 2012.
48. Based on Wells, "From Ideas to Results."
49. Ibid.
50. This is quoted from ibid. For another example, see H. Goa, "Application of the Suggestion System in the Improvement of the Production Process and Product Quality Control," *Materials Science and Engineering*, 2016; <http://iopscience.iop.org/article/10.1088/1757-899X/145/6/062005/pdf>, accessed April 3, 2018.
51. Alex Rosenblat, "What Motivates Gig Economy Workers," <https://hbr.org/2016/11/what-motivates-gig-economy-workers>, accessed March 30, 2017; Mark Feffer, "What Benefits Can Companies Offer Gig Workers?" March 21, 2017, <https://www.shrm.org/resourcesandtools/hr-topics/benefits/pages/what-benefits-can-companies-offer-gig-workers.aspx>, accessed March 30, 2017; Mukesh Gupta, "Strategies for Employee Engagement in a Gig Economy," <http://www.digitalistmag.com/future-of-work/2017/02/03/strategies-for-employee-engagement-in-gig-economy-04887378>, accessed March 30, 2017; Jenny Perkins, "Employee Engagement in the Gig Economy," <http://www.cirrus-connect.com/blog/employee-engagement-in-the-gig-economy-10875>, accessed March 30, 2017.
52. Mark Feffer, "Ethical vs. Legal Responsibilities for HR Professionals," Society for Human Resource Management, March 30, 2017, <https://www.shrm.org/resourcesandtools/hr-topics/behavioral-competencies/ethical-practice/pages/ethical-and-legal-responsibilities-for-hr-professionals.aspx>, accessed April 3, 2018.
53. Kevin Wooten, "Ethical Dilemmas in Human Resource Management: An Application of a Multidimensional Framework, A Unifying Taxonomy, and Applicable Codes," *Human Resource Management Review* 11 (2001), p. 161. See also Sean Valentine et al., "Employee Job Response as a Function of Ethical Context and Perceived Organization Support," *Journal of Business Research* 59, no. 5 (2006), pp. 582–588.
54. Manuel Velasquez, *Business Ethics: Concepts and Cases* (Upper Saddle River, NJ: Prentice Hall, 1992), p. 9. See also O. C. Ferrell, John Fraedrich, and Linda Ferrell, *Business Ethics* (Boston: Houghton Mifflin, 2008).
55. For further discussion of ethics and morality, see Tom Beauchamp and Norman Bowie, *Ethical Theory and Business* (Upper Saddle River, NJ: Prentice Hall, 2001), pp. 1–19.
56. Jennifer Kish-Gephart, David Harrison, and Linda Trevino, "Bad Apples, Bad Cases, and Bad Barrels: Meta-Analytic Evidence about Sources of Unethical Decisions at Work," *Journal of Applied Psychology* 95, no. 1 (2010), pp. 1–31.
57. Sara Morris et al., "A Test of Environmental, Situational, and Personal Influences on the Ethical Intentions of CEOs," *Business and Society*, August 1995, pp. 119–147. See also Dennis Moberg, "Ethics Blind Spots in Organizations: How Systematic Errors in Person's Perception Undermine Moral Agency," *Organization Studies* 27, no. 3 (2006), pp. 413–428; and Scott Reynolds et al., "Automatic Ethics: The Effects of Implicit Assumptions and Contextual Cues on Moral Behavior," *Journal of Applied Psychology* 95, no. 5 (2010), pp. 752–760.
58. David De Cremer, "6 Traits That Predict Ethical Behavior at Work," *Harvard Business Review*, December 22, 2016, <https://hbr.org/2016/12/6-traits-that-predict-ethical-behavior-at-work>, accessed April 3, 2018.
59. David Welsh, Deidre Snyder, Michael Christian, and Lisa Ordenez, "The Slippery Slope: How Small Ethical Transgressions Pave the Way for Larger Future Transgressions," *Journal of Applied Psychology* 100, no. 1 (2015), pp. 114–127.
60. Ibid., p. 21.
61. Ibid.
62. "Former CEO Joins World-Com's Indicted," *Miami Herald*, March 3, 2004, p. 4C.
63. Ferrell and Fraedrich, *Business Ethics*, p. 28; adapted from Rebecca Goodell, *Ethics in American Business: Policies, Programs, and Perceptions* (Washington, DC: Ethics Resource Center, 1994), p. 54. For other insights into unethical behavior's causes, see, for example, F. Gino et al., "Nameless + Harmless = Blameless: When Seemingly Irrelevant Factors Influence Judgment of (Un)ethical Behavior," *Organizational Behavior and Human Decision Processes* 111, no. 2 (March 2010), pp. 93–101; and J. Camps et al., "Learning Atmosphere and Ethical Behavior, Does It Make Sense?" *Journal of Business Ethics* 94, no. 1 (June 2010), pp. 129–147.
64. One study suggests that people may not be so selfless. Elizabeth Umphress, John Bingham, and Marie Mitchell, "Unethical Behavior in the Name of the Company: The Moderating Effect of Organizational Identification and Positive Reciprocity Beliefs on Unethical Pro-organizational Behavior," *Journal of Applied Psychology* 95, no. 4 (2010), pp. 769–770.
65. Thomas G. Plante, "Six Ways to Create a Culture of Ethics in Any Organization," *Psychology Today*, July 1, 2015, <https://www.psychologytoday.com/us/blog/do-the-right-thing/201507/six-ways-create-culture-ethics-in-any-organization>, accessed April 3, 2018.
66. "Ethics Policies Are Big with Employers, but Workers See Small Impact on the Workplace," *BNA Bulletin to Management*, June 29, 2000, p. 201.
67. Guy Brumback, "Managing above the Bottom Line of

- Ethics,” *Supervisory Management*, December 1993, p. 12. See also E. E. Umphress et al., “The Influence of Distributive Justice on Lying for and Stealing from a Supervisor,” *Journal of Business Ethics* 86, no. 4 (June 2009), pp. 507–518; and S. Chen, “The Role of Ethical Leadership versus Institutional Constraints: A Simulation Study of Financial Misreporting by CEOs,” *Journal of Business Ethics* 93, part supplement 1 (June 2010), pp. 33–52.
68. Dayton Fandray, “The Ethical Company,” *Workforce* 79, no. 12 (December 2000), pp. 74–77. To review Ratheon’s ethics code, see https://www.raytheon.com/ourcompany/rtnwcm/groups/gallery/documents/digitalasset/rtn_160603.pdf, accessed April 3, 2018.
 69. Plante, “Six Ways to Create a Culture of Ethics in Any Organization.”
 70. IBM Business Conduct Guidelines, www.ibm.com/investor/pdf/BCG2012.pdf, accessed August 2, 2013.
 71. Richard Beatty et al., “HR’s Role in Corporate Governance: Present and Prospective,” *Human Resource Management* 42, no. 3 (Fall 2003), p. 268.
 72. Eric Krell, “How to Conduct an Ethics Audit,” *HR Magazine*, April 2010, pp. 48–51.
 73. Betsy Shepherd, “Occupational Fraud,” *Workforce Management*, April 2012, p. 18.
 74. “Ethics Supplier Mentoring Program,” <https://www.lockheedmartin.com/us/suppliers/ethics.html>, accessed April 3, 2018.
 75. Richard Grgenti, “As Whistleblowing Surges, Internal Reporting Must Keep Up,” *Bloomberg BNA Bulletin to Management*, May 19, 2015, p. 158.
 76. Dodd-Frank requires that whistleblowers report concerns of securities law violations to the Securities and Exchange Commission. Sarbanes-Oxley permits claims to the U.S. Labor Department. Greg Stohr, “Corporate Whistleblower Protections Cut by US High Court,” *Bloomberg BNA Bulletin to Management*, February 27, 2018.
 77. David Mayer et al., “Who Displays Ethical Leadership, and Why Does It Matter? An Examination of Antecedents and Consequences of Ethical Leadership,” *Academy of Management Journal* 55, no. 1 (2012), p. 167.
 78. Martin Berman-Govine, “Culture Is Critical to Prevent Employers Behaving Badly,” *Bloomberg BNA Bulletin to Management*, July 4, 2017.
 79. Boris Groysberg et al., “The Leader’s Guide to Corporate Culture,” *Harvard Business Review*, January–February 2018, pp. 51–53.
 80. Sometimes the most straightforward way of changing a company’s culture is to move fast to change its top management. See Jeremy Smerd, “A Stalled Culture Change?” *Workforce Management*, December 14, 2009, pp. 1, 3.
 81. Groysberg et al., “The Leader’s Guide to Corporate Culture.”
 82. “Ethics: It Isn’t Just the Big Guys,” *The American Intelligence Wire*, July 28, 2003, p. 10.
 83. Based on “Ethics: It Isn’t Just the Big Guys.”
 84. “Assessment & Selection,” <https://www.opm.gov/policy-data-oversight/assessment-and-selection/other-assessment-methods/integrityhonesty-tests/>, accessed April 3, 2018.
 85. “Ethical Issues in the Management of Human Resources,” *Human Resource Management Review* 11 (2001), p. 6; Joel Lefkowitz, “The Constancy of Ethics amidst the Changing World of Work,” *Human Resource Management Review* 16 (2006), pp. 245–268; William Byham, “Can You Interview for Integrity?” *Across the Board* 41, no. 2 (March/April 2004), pp. 34–38; Evan Offstein and Ronald Dufresne, “Building Strong Ethics and Promoting Positive Character Development: The Influence of HRM at the United States Military Academy at West Point,” *Human Resource Management* 46, no. 1 (Spring 2007), pp. 95–114.
 86. Gary Weaver and Linda Treviño, “The Role of Human Resources in Ethics/Compliance Management: A Fairness Perspective,” *Human Resource Management Review* 11 (2001), p. 123. See also Linda Andrews, “The Nexus of Ethics,” *HR Magazine*, August 2005, pp. 53–58.
 87. Russell Cropanzano and Thomas Wright, “Procedural Justice and Organizational Staffing: A Tale of Two Paradigms,” *Human Resource Management Review* 13, no. 1 (2003), pp. 7–40.
 88. Kathryn Tyler, “Do the Right Thing: Ethics Training Programs Help Employees Deal with Ethical Dilemmas,” *HR Magazine*, February 2005, pp. 99–102; Diana E. Murphy, “The Federal Sentencing Guidelines for Organizations: A Decade of Promoting Compliance and Ethics,” <https://www.ussc.gov/sites/default/files/pdf/training/organizational-guidelines/selected-articles/Murphy1.pdf>, accessed April 3, 2018.
 89. “Ethical Issues in the Management of Human Resources,” p. 6.
 90. Weaver and Treviño, “The Role of Human Resources in Ethics/Compliance Management,” p. 123.
 91. <https://www.lockheedmartin.com/us/who-we-are/ethics/training.html>, accessed April 3, 2018.
 92. Robert Grossman, “Executive Discipline,” *HR Magazine*, August 2005, pp. 46–51. See also Jean Thilmany, “Supporting Ethical Employees,” *HR Magazine* 52, no. 9 (September 2007), pp. 105–106, 108, 110, 112.
 93. See, for example, https://www.raytheon.com/rtnwcm/groups/public/documents/content/rtn_ethics-code.pdf accessed April 4, 2018; <https://www.lockheedmartin.com/content/dam/lockheedmartin/data/corporate/documents/ethics/code-of-conduct.pdf>, accessed April 4, 2018.
 94. Lisa Bigelow, “What Happens to an Employee If He Violated the Code of Conduct?” <http://smallbusiness.chron.com/happens-employee-violated-code-conduct-16118.html>, accessed April 4, 2018.
 95. <https://wmich.edu/hr/handbook-conduct>, accessed April 4, 2018.
 96. Liz Mineo, “On Internet Privacy, Be Very Afraid,” *The Harvard Gazette*, August 24, 2017.
 97. Lee Rainie, “The State of Privacy in Post-Snowden America,” Pew Research Center, September 21, 2016, <http://www.pewresearch.org/fact-tank/2016/09/21/the-state-of-privacy-in-america/>, accessed April 4, 2018.
 98. Morris Attaway, “Privacy in the Workplace on the Web,” *Internal Auditor* 58, no. 1 (February 2010), p. 30. See also, Kenny Brown, “What Are Employee Privacy Rights?” <http://smallbusiness.chron.com/employee-privacy-rights-1239.html>, accessed March 30, 2017.
 99. Declan Leonard and Angela France, “Workplace Monitoring: Balancing Business Interests with Employee Privacy Rights,” *Society for Human Resource Management Legal Report*, May–June 2003, pp. 3–6. See also, “Workplace Privacy,” The American Civil Liberties Union, <https://www.aclu.org/issues/privacy-technology/workplace-privacy>, accessed April 4, 2018.
 100. “Workplace Privacy,” The American Civil Liberties Union, <https://www.aclu.org/issues/privacy-technology/workplace-privacy>, accessed April 4, 2018.
 101. <https://www.ceridian.com/company/corporate/corporate-privacy-policy>, accessed April 4, 2018.
 102. *Vega-Rodriguez v. Puerto Rico Telephone Company*, CA1, #962061, 4/8/97, discussed in “Video Surveillance Withstands Privacy Challenge,” *BNA Bulletin to Management*, April 17, 1997, p. 121. Also see, J. Greenwald, “Monitoring Communications? Know Legal Pitfalls,” *Business Insurance* 45, no. 6 (February 7, 2011), pp. 1, 17; and Workplace Monitoring Laws, SHRM, <https://www.shrm.org/ResourcesAndTools/hr-topics/employee-relations/Documents/State%20surveillance%20and%20monitoring%20laws.pdf>, accessed April 4, 2018.
 103. Fredric Leffler and Lauren Palais, “Filter Out Perilous Company E-Mails,” *Society for Human Resource Management Legal Report*, August 2008, p. 3. A survey of 220 large U.S. firms suggests that about 38% of them have people reading or otherwise analyzing employees’ outgoing e-mail. See Dionne Searcy, “Some Courts Raise Bar on Reading Employee Email,” *The Wall Street Journal*, November 19, 2009, p. A17.
 104. Bill Roberts, “Stay Ahead of the Technology Use Curve,” *HR Magazine*, October 2008, pp. 57–61.
 105. “After Employer Found Liable for Worker’s Child Porn, Policies May Need to Be Revisited,” *BNA Bulletin to Management*, March 21, 2006, p. 89.
 106. One attorney notes that problems can arise with the Federal Stored Communications Act if the employer uses illicit or coercive means to access the employee’s private social media accounts. *Bloomberg BNA Bulletin to Management*, July 21, 2009, p. 225.
 107. Brittany Petersen, “Employee Monitoring: It’s Not Paranoia; You Really Are Being Watched!” *PC Magazine*, May 26, 2008, <https://www.pcmag.com/article2/0,2817,2308363,00.asp>, accessed April 4, 2018; For one such software package, see https://www.veriato.com/?utm_source=ss2018&utm_medium=redirect&utm_campaign=ssredirect, accessed April 4, 2018.
 108. Searcy, “Some Courts Raise Bar on Reading Employee E-mail.”
 109. “When Can an Employer Access Private E-Mail on Its System?” *Bloomberg BNA Bulletin to Management*, July 14, 2009, p. 224; one employment lawyer says that courts look to whether the employer’s process is reasonable when determining if the employer’s monitoring practices are acceptable. Electronic monitoring is generally reasonable “where there is a legitimate business purpose, where policies exist to set the privacy expectations of employees, and where employees are informed of the rules and understand the

- methods used to monitor the workplace.” Nicole Kamm, “Bodyguard for Electronic Information,” *HR Magazine*, January 2010, pp. 57–58.
110. Lee Michael Katz, “Big Employer Is Watching,” *HR Magazine*, June 2015, pp. 67–74.
 111. Bill Roberts, “Are You Ready for Biometrics?” *HR Magazine*, March 2003, pp. 95–96.
 112. “Disgruntled Workers’ Hacking of Employers Is on the Rise, FBI-DHS Public Alert Says,” *Bloomberg BNA Bulletin to Management*, October 7, 2014, p. 315.
 113. Steve Lohr, “Unblinking Eyes Track Employees,” *The New York Times*, June 22, 2014, pp. 1, 15.
 114. Claire Suddath, “Tesco Monitors Employees with Motorola on Bands,” www.BusinessWeek.com/articles/2013-02-13/Tescomonitors_employees-withMotorola-arm-bands, accessed February 14, 2013.
 115. Lester Bittel, *What Every Supervisor Should Know* (New York: McGraw-Hill, 1974), p. 308; and Thomas Salvo, “Practical Tips for Successful Progressive Discipline,” SHRM White Paper, July 2004, www.shrm.org/hrresources/whitepapers_published/CMS_009030.asp, accessed January 5, 2008.
 116. For fair discipline guidelines, see Bittel, *What Every Supervisor Should Know*, p. 308; Paul Falcone, “Fundamentals of Progressive Discipline,” *HR Magazine*, February 1997, pp. 90–92; and “How to Discipline and Fire Employees,” www.entrepreneur.com/article/79928, accessed May 3, 2012.
 117. David Mayer et al., “When Do Fair Procedures Not Matter? A Test of the Identity Violation Effect,” *Journal of Applied Psychology*, 94, no. 1 (2009), pp. 142–161.
 118. Long Wang and J. Keith Murnighan, “The Dynamics of Punishment and Trust,” *Journal of Applied Psychology* 102, no. 10 (2017), pp. 1385–1402.
 119. Grossman, “Executive Discipline,” pp. 46–51; “The Evil Women Theses,” based on Sandra Hartman et al., “Males and Females in a Discipline Situation Exploratory Research on Competing Hypotheses,” *Journal of Managerial Issues* 6, no. 1 (Spring 1994), pp. 57, 64–68; “A Woman’s Place,” *Economist* (August 19, 2000), p. 56.
 120. For fair discipline guidelines, see Bittel, *What Every Supervisor Should Know*, p. 308; Falcone, “Fundamentals of Progressive Discipline,” pp. 90–92; and “How to Discipline and Fire Employees.”
 121. https://www.law.cornell.edu/wex/due_process, accessed April 4, 2018.
 122. Dick Grote, “Discipline without Punishment,” *Across the Board* 38, no. 5 (September 2001), pp. 52–57.
 123. <http://www.greatplacetowork.com.sg/our-approach/what-is-a-great-workplace>, accessed April 12, 2018. For 2017, *Fortune Magazine’s “Best Companies to Work For”* included (from 1 to 10) Google, Wegmans Food Markets, Boston Consulting Group, Baird, Edward Jones, Genentech, Ultimate Software, Salesforce, Acuity, and Quicken Loans. *Fortune*, March 15, 2017, pp. 84–87.
 124. <http://www.greatplacetowork.com/best-companies#sthash.ECoNqRRH.dpbs>, accessed July 17, 2015.
 125. Ibid. Another thing that makes these companies “great places to work” is an emphasis on building a sense of community; see Ed Frauenheim, “Community Outreach,” *Workforce*, January 2016, pp. 32–35, 49. See also, Martin Berman-Gorvine, “Employee Engagement Starts at The Top,” *Bloomberg BNA Bulletin to Management*, January 3, 2017.
 126. In *Fortune Magazine’s 2017 listing*, SAS was number 15, Google 1, and FedEx 99. *Fortune*, March 15, 2017, pp. 84–136. In their 2018 list, Google (Alphabet) was, oddly, off the list. Michael Bush and Cheryl Lewis-Kulin, “100 Best Companies to Work For 2018,” *Fortune*, March 1, 2018, pp. 53–78. However, Alphabet was listed as the number one employer that people want to work for according to LinkedIn (Amazon by that measure was first). <https://www.linkedin.com/pulse/linkedin-top-companies-2018-where-us-wants-work-now-daniel-roth>, accessed April 1, 2018.
 127. http://www.sas.com/en_us/company-information/great-workplace.html, accessed July 17, 2015.
 128. https://www.sas.com/en_us/careers.html, accessed March 30, 2017.
 129. www.sas.com/content/dam/SAS/en_us/doc/other1/benefits-brochure.pdf; also see www.sas.com/en_us/news/pressreleases/2014/january/greatworkplace-US-Fortune-2014.html, accessed September 8, 2014.
 130. Mark Crowley, “How SAS Became the World’s Best Place to Work,” www.fastcompany.com/300-4953/how-SAS-became-worlds-best-place-to-work, accessed April 8, 2014.
 131. Rebecca Leung, “Working the Good Life,” www.CBSnews.com/news/working-the-good-life/, accessed July 17, 2015.
 132. Ibid.
 133. Ibid.
 134. Ibid.
 135. Ibid.
 136. Mark Crowley, “Not a Happy Accident: How Google Deliberately Designed Workplace Satisfaction,” www.fastcompany.com/300-7268/where-are-they-now, accessed April 8, 2014.
 137. <http://US.Greatrated.com/Googlean>, accessed April 6, 2014.
 138. From “Benefits,” Google Careers, <https://www.google.co.in/about/careers/lifeatgoogle/benefits/>, accessed April 7, 2014. Used by permission from Google Press.
 139. Farhad Manjoo, “The Happiness Machine,” January 21, 2013, www.slate.com, accessed April 6, 2014.
 140. Ibid.; and Greta Roberts, “Why Google’s Employee Engagement Programs Are Bad for Your Business,” www.talentanalytics.com/blog, accessed April 5, 2014.
 141. Manjoo, “The Happiness Machine.”
 142. Ibid.
 143. Ibid.
 144. Ibid.
 145. Crowley, “Not a Happy Accident: How Google Deliberately Designs Workplace Satisfaction.”
 146. This is based on Gary Dessler, *Winning Commitment* (New York: McGraw-Hill, 1993), pp. 37–51; “The Federal Express Employee Handbook,” August 7, 1989, p. 89; and “FedEx Attributes Success to People-First Philosophy,” www.fedex.com/ma/about/overview/philosophy.html, accessed July 18, 2015.
 147. Ibid.
 148. Ibid.
 149. Ibid.
 150. http://www.fedex.com/cz_english/about/overview/philosophy.html, accessed July 14, 2014.
 151. “Working at SAS: An Ideal Environment for New Ideas,” SAS Web site, April 20, 2012. Copyright © SAS Institute Inc., Cary, NC, USA. All Rights Reserved. Used with permission.
 152. Based on “Theft Is Unethical,” *HR Solutions* 34 (October 2002), p. 66.
 153. Bureau of National Affairs, *BNA Bulletin to Management*, September 13, 1985, p. 3.
 154. David Gebler, “Is Your Culture a Risk Factor?” *Business and Society Review* 111, no. 3 (Fall 2006), pp. 337–362.
 155. John Cohan, “I Didn’t Know and I Was Only Doing My Job: Has Corporate Governance Careened Out of Control? A Case Study of Enron’s Information Myopia,” *Journal of Business Ethics* 40, no. 3 (October 2002), pp. 275–299.
 156. Tony Simons and Quinetta Roberson, “Why Managers Should Care about Fairness: The Effects of Aggregate Justice Perceptions on Organizational Outcomes,” *Journal of Applied Psychology* 88, no. 3 (2003), p. 432.



Chrisdorney/Shutterstock

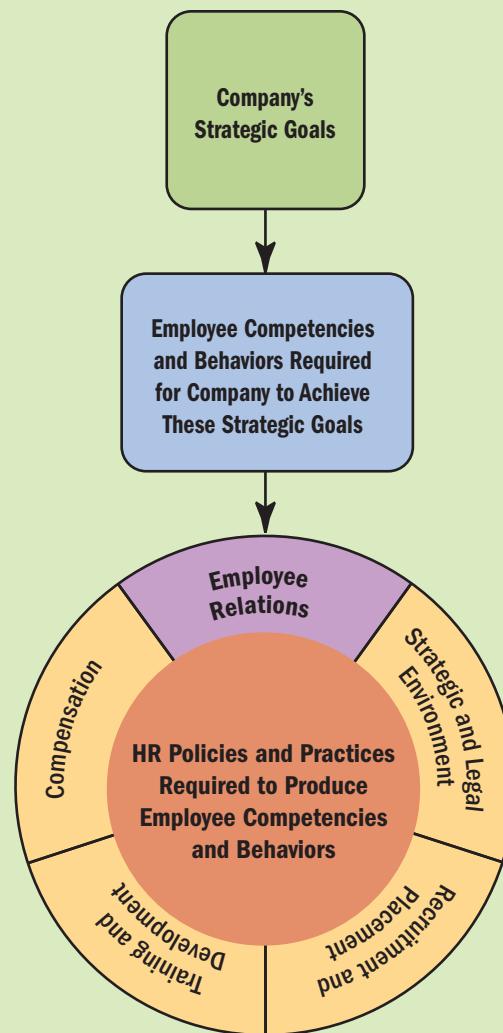
15

Labor Relations and Collective Bargaining

LEARNING OBJECTIVES

When you finish studying this chapter, you should be able to:

- 15-1** Present a brief history of the American labor movement.
- 15-2** Give five examples of unfair union practices and of unfair employer practices in labor law.
- 15-3** Present three examples of what a supervisor should or should not do during the union drive and election.
- 15-4** Illustrate with five examples bargaining that is not in good faith.
- 15-5** Develop a grievance procedure.
- 15-6** Give an example of cooperative labor relations.



In early 2018, Walmart raised its starting hourly wages to \$11 and gave \$1,000 bonuses to employees.¹ Walmart's low-cost leader strategy has long meant low wages and personnel costs and difficult labor relations.² Walmart's recent pay and bonus moves suggest that its labor relations strategies may be evolving. We'll see if this is happening, and if so, why.

WHERE ARE WE NOW . . .

Chapter 14 focused on employee relations, ethics, and justice—important issues in determining employees' tendencies to join unions. The main purpose of this chapter is to help you deal effectively with unions and grievances. After briefly discussing the **History of the American Labor Movement**, we describe the **Basic Labor Law**, including unfair labor practices. We explain labor negotiations, including the union actions you can expect during **The Union Campaign and Election**. And we explain what you can expect during the actual **Collective Bargaining** sessions, **How to Handle Grievances**, and finally, **Cooperative Labor Relations**.

LEARNING OBJECTIVE 15-1

Present a brief history of the American labor movement.

The Labor Movement

Unions remain influential. Almost 15 million U.S. workers belong to unions—about 11.1% of the total number of men and women working in America.³ About 36% of public-sector workers belong to unions. In some private-sector industries like utilities (22.3% unionization), and transportation and warehousing (19.6%), it can still be hard to get jobs without joining unions. Unionization also varies widely by state, from a high of 23.8% in New York down to 2.6% in South Carolina.⁴

Furthermore, don't assume that unions affect employers only negatively. For example, perhaps by professionalizing the staff and/or systematizing practices, heart attack mortality among patients in hospitals with unionized nurses was 5% to 9% lower than in nonunion hospitals.⁵ Often, employers' labor relations policies evolve, as the accompanying Strategic Context feature illustrates.

■ IMPROVING PERFORMANCE: THE STRATEGIC CONTEXT

Walmart's New HR Strategy

Walmart aims to be retailing's low-cost leader. It minimizes purchasing, site location, distribution, and personnel costs to offer the lowest prices.⁶ It consistently blocked entry to unions.

Recently, Walmart revised its strategies, for several reasons. Amazon was pressuring it on prices. The U.S. labor market tightened, which made hiring more challenging. Negative stories about "below living wage" wages and last-minute employee scheduling undermined Walmart's appeal for many consumers. Costco has long parried Walmart's low labor costs by eliciting higher productivity from higher-paid and engaged employees and by maintaining good union relations. Walmart's year-on-year same-store sales drifted down. Its top management had to do something.

Walmart changed its strategy in two ways. First, it bought jet.com for \$3.3 billion, in a bid to expand its online efforts. Second, it instituted new HR policies. It raised starting employees' hourly wages to \$11 per hour, and awarded up to \$1,000 bonuses to most employees. It instituted a new "Pathways" training program to help employees plan Walmart careers and to help them better understand their jobs. Employees also started getting more choice in scheduling their hours.

Early results are promising. Same-store sales are rising, associates' feedback is good, and employment applications are up 5–10%. Whether Walmart's stance toward unions evolves should become apparent over time.

MyLab Management Talk About It 1

If your professor has assigned this, go to the Assignments section of www.pearson.com/mylab/management to complete this discussion question. Even before it instituted its new HR policies, Walmart effectively blocked union organizing efforts at its store. If pay was so low and scheduling so troublesome, how do you think they were able to keep unions out?

Support for unions has always ebbed and flowed in America, and today pressures are building against unions. For example, many public employees are unionized, and budget problems prompted several states to reduce public employees' numbers, pensions, and pay.

We'll look at unions and dealing with them in this chapter.

Why Do Workers Organize?

Experts have spent much time and money trying to figure out why workers unionize, and they've proposed many theories. Yet there is no simple answer.

Pay is still important. For example, recent median weekly wages for union workers was \$980, versus \$776 for nonunion workers.⁷ Union workers also generally receive more holidays, sick leave, unpaid leave, health plan benefits, and other benefits—about \$14.50 per hour in benefits compared with about \$7.50 per hour for nonunion workers.⁸

But it's not just the money. Instead the urge to unionize often comes down to the belief on the part of workers that it's only through unity that they can get their fair share of the "pie" and also protect themselves from the arbitrary whims of management.



Workers at an early Ford factory. In addition to heavy physical labor, workers faced health hazards—poor lighting, dust, and dangerous machinery.

The bottom line is that low morale, fear of job loss, and poor communication (in other words, poor employee relations) also foster unionization. When Kaiser Permanente cut back on vacation and sick leave for its pharmacists, the Guild for Professional Pharmacists won back the lost vacation days. Said one, “Kaiser is a pretty benevolent employer, but there’s always the pressure to squeeze a little.”⁹ One labor relations lawyer says, “The one major thing unions offer is making you a ‘for cause’ instead of an ‘at will’ employee, which guarantees a hearing and arbitration if you’re fired.”¹⁰ So, in practice, low morale, fear of job loss, and arbitrary management actions help foster unionization.¹¹

In some respects, things haven’t changed much in decades. Here is how one writer describes the motivation behind the early (1900s) unionization of automobile workers:

In the years to come, economic issues would make the headlines when union and management met in negotiations. But in the early years, . . . the principal grievances of the autoworkers were the speed-up of production and the lack of any kind of job security. As production tapered off, the order in which workers were laid off was determined largely by the whim of foremen and other supervisors. . . . Generally, what the workers revolted against was the lack of human dignity and individuality, and a working relationship that was massively impersonal, cold, and nonhuman. They wanted to be treated like human beings—not like faceless clock card numbers.¹²

HR AND THE GIG ECONOMY: WILL UBER DRIVERS ORGANIZE?

For many gig workers, being at the employer’s mercy is the biggest downside of gig work. For example, low user ratings can lead to Uber summarily deactivating drivers. Would unionizing help?

Many Uber drivers think so. In New York City pressure from drivers prompted Uber to create a union-like entity known as the Independent Drivers Guild (IDG).¹³ The IDG isn’t really a union under the law. For instance, Uber funds the Guild, Uber drivers are independent contractors and didn’t vote to have the Guild represent them, and the Guild itself agreed not to instigate strikes or to push for forming a union prior to 2021. However, the IDG has established a mechanism through which Uber drivers can appeal deactivations (staffed by other drivers and overseen by the American Arbitration Association) and also provides other types of driver assistance.¹⁴

MyLab Management Talk About It 2

If your professor has chosen to assign this, go to the Assignments section of www.pearson.com/mylab/management to complete these discussion questions. Based on your experience, do you think drivers like those for Uber, Via, and Lyft need union representation? Why?

Employee Engagement and Unionization

Why else do workers unionize? *Modern Survey* conducted a study that measured things such as employees’ interest in being represented by a union, confidence in senior management, and employee engagement. It concluded that 50% of “actively disengaged” employees would vote “yes” to unionize, while only 20% of such employees would vote “no union.” It concludes that “paying attention to employee engagement levels within

your organization helps to foster positive relationships between employees and management and decreases the likelihood of a workforce seeking union representation.”¹⁵

Gallup surveys complement these conclusions. For example, among the over 500 organizations in which Gallup measures employee engagement, 45% of *nonunion* employees were engaged, while fewer—38%—of unionized employees were engaged.¹⁶

Findings like these don’t prove that engaged employees are less likely to support a unionization effort in their companies, or that unionized employees are less engaged. The findings are correlational, so they only “prove” that when employee engagement goes up, unionization goes down. It could be that the same management policies (such as guaranteed fair treatment systems) affect both employee engagement and nonunionization. But on the whole such findings do suggest that the same sorts of policies (such as good benefits, building trust, and guaranteeing fair treatment) that improve employee engagement may also reduce the likelihood of being unionized.



What Do Unions Want?

We can generalize by saying that unions have two sets of aims, for *union security* and for *improved wages, hours, working conditions, and benefits* for their members.

UNION SECURITY First and probably foremost, unions seek security for themselves. They fight hard for the right to represent a firm’s workers, and to be the exclusive bargaining agent for all employees in the unit. (As such, they negotiate contracts for all employees, including those not members of the union.) Five types of union security are possible:

1. **Closed shop.**¹⁷ The company can hire only current union members. Congress outlawed closed shops in interstate commerce, but they still exist in some states for particular industries (such as printing). They account for fewer than 5% of union contracts.
2. **Union shop.** The company can hire nonunion people, but they must join the union after a prescribed period and pay dues. (If not, they can be fired.) These account for about 73% of union contracts.
3. **Agency shop.** Employees who do not belong to the union still must pay the union an amount equal to union dues (on the assumption that the union’s efforts benefit *all* the workers).
4. **Preferential shop.** Union members get preference in hiring, but the employer can still hire nonunion members.
5. **Maintenance of membership arrangement.** Employees do not have to belong to the union. However, union members employed by the firm must maintain membership in the union for the contract period. These account for about 4% of union agreements.

Not all states give unions the right to require union membership as a condition of employment. **Right to work** is a term used to describe “state statutory or constitutional provisions banning the requirement of union membership as a condition of employment.”¹⁸ *Right-to-work laws* don’t outlaw unions. They do outlaw (within those states) any form of union security. Recently, there were 28 right-to-work states.¹⁹ Right to work adversely affects union membership levels.²⁰ After Oklahoma passed right-to-work legislation, its union membership dropped dramatically in the next three years.²¹

IMPROVED WAGES, HOURS, AND BENEFITS Once the union ensures its security at the employer, it fights to improve its members’ wages, hours, working conditions, and benefits. The typical labor agreement also gives the union a role in other human resource activities, including recruiting, selecting, compensating, promoting, training, and discharging employees.

The AFL-CIO and the SEIU

The American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) is a voluntary federation of about 57 national and international labor unions in

the United States. For many people in the United States, the AFL–CIO is still synonymous with the word *union*.

There are three layers in the AFL–CIO and most other U.S. unions. The worker joins the local union, to which he or she pays dues. The local is in turn a single chapter in the national union. For example, if you were a teacher in Detroit, you would belong to the local union there, which is one of hundreds of local chapters of the American Federation of Teachers, their national union (most unions actually call themselves international unions). The third layer is the national federation, in this case, the AFL–CIO.

The Service Employees International Union (SEIU) is an organization of more than 2.2 million members. It includes the largest health-care union, with more than 1.1 million members, including nurses, LPNs, and doctors, and the second-largest public employees union, with more than 1 million local and state government workers.²²

Union federation membership is in flux. Some years ago, the SEIU, the International Brotherhood of Teamsters, and UNITE HERE left the AFL–CIO and established their own federation, called the Change to Win Coalition. Together, the departing unions represented over a quarter of the AFL–CIO's membership and budget. Change to Win plans to be more aggressive about organizing workers than they say the AFL–CIO was.²³ More recently UNITE HERE left Change to Win and rejoined the AFL–CIO.



LEARNING OBJECTIVE 15-2

Give five examples of unfair union practices and of unfair employer practices in labor law.

Norris–LaGuardia Act of 1932

This law marked the beginning of the era of strong encouragement of unions and guaranteed to each employee the right to bargain collectively “free from interference, restraint, or coercion.”

National Labor Relations (or Wagner) Act

This law banned certain types of unfair practices and provided for secret-ballot elections and majority rule for determining whether a firm's employees want to unionize.



National Labor Relations Board (NLRB)

The agency created by the Wagner Act to investigate unfair labor practice charges and to provide for secret-ballot elections and majority rule in determining whether a firm's employees want a union.

Unions and the Law

The history of the American labor movement is one of expansion and contraction in response to public policy changes. Until about 1930, there were no special labor laws. Employers were not required to engage in collective bargaining with employees and were virtually unrestrained in their behavior toward unions; the use of spies and firing of union agitators were widespread. “Yellow dog” contracts, whereby management could require nonunion membership as a condition for employment, were widely enforced. Most union weapons—even strikes—were illegal.

This situation lasted until the Great Depression (around 1930).²⁴ Since then, in response to changing public attitudes and economic conditions, labor law has gone through three clear periods: from “strong encouragement” of unions, to “modified encouragement coupled with regulation,” and finally to “detailed regulation of internal union affairs.”²⁵

Period of Strong Encouragement: The Norris–LaGuardia (1932) and National Labor Relations (or Wagner) Acts (1935)

The Norris–LaGuardia Act of 1932 set the stage for a new era in which union activity was encouraged. It guaranteed to each employee the right to bargain collectively “free from interference, restraint, or coercion.” It declared yellow dog contracts unenforceable. And it limited the courts’ abilities to issue injunctions (stop orders) for activities such as peaceful picketing and payment of strike benefits.

Yet this act did little to restrain employers from fighting labor organizations. So, in 1935, Congress passed the National Labor Relations (or Wagner) Act to add teeth to Norris–LaGuardia. It did this by (1) banning certain unfair labor practices, (2) providing for secret-ballot elections and majority rule for determining whether a firm’s employees would unionize, and (3) creating the National Labor Relations Board (NLRB) to enforce these two provisions.²⁶

UNFAIR EMPLOYER LABOR PRACTICES The Wagner Act deemed “statutory wrongs” (but not crimes) five unfair labor practices used by employers:

1. It is unfair for employers to “interfere with, restrain, or coerce employees” in exercising their legally sanctioned right of self-organization.
2. It is unfair for company representatives to dominate or interfere with either the formation or the administration of labor unions. Among other specific management actions found to be unfair under these first two practices are bribing employees, using company spy systems, moving a business to avoid unionization, and blacklisting union sympathizers.

3. Employers are prohibited from discriminating in any way against employees for their legal union activities.
 4. Employers are forbidden to discharge or discriminate against employees simply because the latter file unfair practice charges against the company.
 5. Finally, it is an unfair labor practice for employers to refuse to bargain collectively with their employees' duly chosen representatives.

Unions file an unfair labor practice charge (see Figure 15-1) with the National Labor Relations Board. (For example, the American Guild of Musical Artists said it would file an unfair labor charge against the New York City Opera if it cut staff

FIGURE 15-1 NLRB Form 501: Filing an Unfair Labor Practice

Source: From Unfair Labor Practice (ULP) Case Forms, National Labor Relations Board, www.nlrb.gov.

FORM NLRB 501
(2 81)

FORM EXEMPT UNDER
44 U.S.C. 3512

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

INSTRUCTIONS: File an original and 4 copies of this charge with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

DO NOT WRITE IN THIS SPACE

CASE NO.

DATE FILE

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. NAME OF EMPLOYER

b. NUMBER OF WORKERS EMPLOYED

c. ADDRESS OF ESTABLISHMENT (*street and number, city, state, and ZIP code*)

d. EMPLOYER REPRESENTATIVE TO CONTACT

e. PHONE NO.

f. TYPE OF ESTABLISHMENT (*factory, mine, wholesaler, etc.*)

g. IDENTIFY PRINCIPAL PRODUCT OR SERVICE

h. THE ABOVE-NAMED EMPLOYER HAS ENGAGED IN AND IS ENGAGING IN UNFAIR LABOR PRACTICES WITHIN THE MEANING OF SECTION 8(a), SUBSECTIONS (1) AND _____ OF THE NATIONAL

(list subsections)

LABOR RELATIONS ACT, AND THESE UNFAIR LABOR PRACTICES ARE UNFAIR LABOR PRACTICES AFFECTING COMMERCE WITHIN THE MEANING OF THE ACT.

2. BASIS OF THE CHARGE (be specific as to facts, names, addresses, plants involved, dates, places, etc.)

BY THE ABOVE AND OTHER ACTS, THE ABOVE-NAMED EMPLOYER HAS INTERFERED WITH, RESTRAINED, AND COERCED EMPLOYEES IN THE EXERCISE OF THE RIGHTS GUARANTEED IN SECTION 7 OF THE ACT.

3. FULL NAME OF PARTY FILING CHARGE (if labor organization, give full name, including local name and number)

4a. ADDRESS (*street and number, city, state, and ZIP code*)

4b. TELEPHONE NO.

5. FULL NAME OF NATIONAL OR INTERNATIONAL LABOR ORGANIZATION OF WHICH IT IS AN AFFILIATE OR CONSTITUENT UNIT (to be filled in when charge is filed by a labor organization)

6. DECLARATION

I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.

By _____

(signature of representative or person filing charge)

(title, if any)

Address _____

(telephone number)

(date)

WILLFULLY FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT

(U.S. CODE, TITLE 18, SECTION 1001)

and moved.) The Board then decides whether to take action. Possible actions include dismissal of the complaint, request for an injunction against the employer, or an order that the employer cease and desist.

FROM 1935 TO 1947 Union membership increased quickly after passage of the Wagner Act. Other factors such as an improving economy and aggressive union leadership contributed to this rise. But by the mid-1940s, largely due to massive postwar strikes, public policy began to shift against what many viewed as union excesses. The stage was set for passage of the Taft–Hartley Act.

Period of Modified Encouragement Coupled with Regulation: The Taft–Hartley Act (1947)

Taft–Hartley Act of 1947

Also known as the *Labor Management Relations Act*, this law prohibited unfair union labor practices and enumerated the rights of employees as union members. It also enumerated the rights of employers.

The Taft–Hartley (*or Labor Management Relations*) Act of 1947 reflected the public's less enthusiastic attitude toward unions. It amended the National Labor Relations (Wagner) Act by limiting unions in four ways: (1) prohibiting unfair union labor practices, (2) enumerating the rights of employees as union members, (3) enumerating the rights of employers, and (4) allowing the president of the United States to bar temporarily national emergency strikes.

Unfair Union Labor Practices

The Taft–Hartley Act enumerated several labor practices that unions were prohibited from engaging in:

1. First, it banned *unions* from *restraining or coercing employees* from exercising their guaranteed bargaining rights. (Some union actions that courts have held illegal include telling an anti-union employee that he or she will lose his or her job once the union gains recognition, and issuing patently false statements during union organizing campaigns.)
2. It is also an unfair labor practice for a union to *cause an employer to discriminate* in any way against an employee so as to encourage or discourage his or her union membership. For example, the union cannot try to force an employer to fire a worker because he or she doesn't attend union meetings or refuses to join a union. There is one exception: Suppose a closed or union shop prevails (and union membership is therefore a prerequisite to employment). Then the union may demand the discharge of someone who fails to pay his or her initiation fees and dues.
3. It is an unfair labor practice for a union to *refuse to bargain in good faith* with the employer about wages, hours, and other employment conditions.
4. It is an unfair labor practice for a union to engage in *featherbedding* (requiring an employer to pay an employee for services not performed).

RIGHTS OF EMPLOYEES The Taft–Hartley Act protected the rights of employees against their unions in other ways. For example, many people felt that compulsory unionism violated the right of freedom of association. Legitimized by Taft–Hartley, new right-to-work laws sprung up in 19 (now 28) states (mainly in the South and Southwest). In New York, for example, in many printing firms you can't work as a press operator unless you belong to a printers' union. In Florida, a right-to-work state, printing shops typically employ both union and nonunion operators. Even today, union membership varies widely by state, from a high of 23.8% in New York to a low of 2.6% in South Carolina.²⁷ The Taft–Hartley act also required the employee's authorization before the union could subtract dues from his or her paycheck.

In general, the Labor Relations (Taft–Hartley) Act does not restrain unions from unfair labor practices to the extent that the law does employers. It says unions may not restrain or coerce employees. However, “violent or otherwise threatening behavior or clearly coercive or intimidating union activities are necessary before the NLRB will find an unfair labor practice.”²⁸ Examples include physical assaults or threats, economic reprisals, and mass picketing that restrains lawful entry or leaving.

RIGHTS OF EMPLOYERS The Taft–Hartley Act also explicitly gave *employers* certain rights. First, it gave them full freedom to express their views concerning union organization. For example, as a manager you can tell your employees that in your opinion unions are worthless, dangerous to the economy, and immoral. You can even (generally) hint that unionization and high-wage demands might result in the permanent closing of the plant (but not its relocation). Employers can set forth the union's record concerning violence and corruption, if appropriate. In fact, the only major restraint is that employers must avoid threats, promises, coercion, and direct interference with workers who are trying to reach a decision. There can be no threat of reprisal or force or promise of benefit.²⁹

Furthermore, the employer (1) cannot meet with employees on company time within 24 hours of an election or (2) suggest to employees that they vote against the union while they are at home or in the employer's office (although he or she can do so while in their work area or where they normally gather).

national emergency strikes

Strikes that might "imperil the national health and safety."

Landrum–Griffin Act of 1959

Also known as the *Labor Management Reporting and Disclosure Act*, this law aimed at protecting union members from possible wrongdoing on the part of their unions.

NATIONAL EMERGENCY STRIKES The Taft–Hartley Act also allows the U.S. president to intervene in **national emergency strikes**. These are strikes (for example, by railroad workers) that might "imperil the national health and safety." The president may appoint a board of inquiry and, based on its report, apply for an injunction restraining the strike for 60 days. If the parties don't reach a settlement during that time, the president can have the injunction extended for another 20 days. During this last period, employees take a secret ballot to ascertain their willingness to accept the employer's last offer.

PERIOD OF DETAILED REGULATION OF INTERNAL UNION AFFAIRS: THE LANDRUM–GRIFFIN ACT (1959) In the 1950s, Senate investigations revealed unsavory practices on the part of some unions, and the result was the **Landrum–Griffin Act (officially, the *Labor Management Reporting and Disclosure Act*) of 1959**. An overriding aim of this act was to protect union members from possible union wrongdoing. Like Taft–Hartley, it also amended the National Labor Relations (Wagner) Act.

First, the act contains a *bill of rights* for union members. It provides for certain rights in the nomination of candidates for union office. It also affirms a member's right to sue his or her union and ensures that the union cannot fine or suspend a member without due process.

This act also laid out rules regarding union elections. For example, national and international unions must elect officers at least once every 5 years, using a secret-ballot mechanism. And the act regulates the kind of person who can serve as a union officer. For example, it bars for a time persons convicted of felonies from holding union officer positions.

Senate investigators also discovered flagrant examples of employer wrongdoing. Employers and their "labor relations consultants" had bribed union agents and officers, for example. Landrum–Griffin therefore expanded the list of unlawful employer actions. For example, companies can no longer pay their own employees to entice them not to join the union.



LEARNING OBJECTIVE 15-3

Present three examples of what a supervisor should or should not do during the union drive and election.

The Union Drive and Election

It is through the union drive and election that a union tries to be recognized to represent employees. To protect themselves and their employers, supervisors need to understand this process. It has five basic steps.³⁰

Step 1. Initial Contact

During the initial contact stage, the union determines the employees' interest in organizing, and establishes an organizing committee.

The initiative for the first contact between the employees and the union may come from the employees, from a union already representing other employees of the firm, or from another union. In any case, there is an initial contact.

Once an employer becomes a target, a union official usually assigns a representative to assess employee interest. The representative visits the firm to determine if enough employees are interested in a campaign, identifies employees who would make good leaders in the organizing campaign, and creates an organizing committee. The aim is to educate the committee about the benefits of forming a union and the law and procedures for forming a local union.

The union must follow certain rules when it starts contacting employees. The law allows organizers to solicit employees for membership as long as the effort doesn't endanger the performance or safety of the employees. Therefore, much contact takes place off the job, perhaps at home or at places near work. Organizers can also safely contact employees on company grounds during off hours (such as lunch or break time). Yet, in practice, there will be much informal organizing going on at the workplace as employees debate organizing. Sometimes the first inkling management has is the distribution of handbills soliciting union membership.

Much soliciting will be via e-mail, but prohibiting employees from sending pro-union e-mail messages using company e-mail isn't easy. You can't discriminate against union activities. Therefore, prohibiting only union e-mail may violate NLRB rules. And barring workers from using e-mail for all non-work-related topics may be futile if the company actually does little to stop it.

LABOR RELATIONS CONSULTANTS Both management and unions typically use "labor relations consultants." These may be law firms, researchers, psychologists, labor relations specialists, or public relations firms. Some are former union organizers.³¹

For the employer, the consultant's services may range from ensuring that the firm properly fills out routine labor relations forms to managing the union campaign. Unions may use public relations firms to improve their image, or specialists to manage corporate campaigns. (These pressure shareholders and creditors to get management to agree to the union's demands.)

Some say consultants encourage questionable tactics. One tactic is to delay the union vote with lengthy hearings at the NLRB. The longer the delay in the vote, they argue, the more time the employer has to drill anti-union propaganda into the employees.

UNION SALTING Unions are not without creative ways to win elections. The National Labor Relations Board defines **union salting** as "placing of union members on non-union job sites for the purpose of organizing." Critics claim that "salts" interfere with business operations and harass employees.³² The U.S. Supreme Court ruled that union salts are "employees" under the National Labor Relations Act; the NLRB will require that employers pay salts if they fire them for trying to organize.³³ The solution is to know whom you're hiring. However, not hiring someone solely because he or she might be pro-union or a union salt would be discriminatory.³⁴

Unions also use *public pressure*. For example, in the past few years, unions have organized about 5,000 Silicon Valley contract workers (such as Facebook shuttle drivers), most of whom are employed by contractors.³⁵

When the Unite union set out to organize Facebook shuttle workers, they didn't just pressure the employment contractor (Loop Transportation Inc.). Instead, Unite's campaign publicized how Facebook shuttle drivers had to sleep in their cars to make ends meet; news organizations worldwide ran the story. Soon, with Facebook's acquiescence, Loop Transportation signed a contract with the union and boosted drivers' pay.

Step 2. Obtaining Authorization Cards

For the union to petition the NLRB for the right to hold an election, it must show that a sizable number of employees may be interested in organizing. Therefore, the next step for union organizers is to try to get the employees to sign **authorization cards** (see Figure 15-2). Among other things, these usually authorize the union to seek a representation election, and state that the employee has applied to join the union. Thirty percent of the eligible employees in an appropriate bargaining unit must sign before the union can petition the NLRB for an election (although that figure may rise to over

union salting

A union organizing tactic by which workers who are in fact employed full-time by a union as undercover organizers are hired by unwitting employers.

authorization cards

In order to petition for a union election, the union must show that at least 30% of employees may be interested in being unionized. Employees indicate this interest by signing authorization cards.

FIGURE 15-2 Sample Authorization Card

Source: Gary Dessler, *Fundamentals of Human Resource Management*, Pearson Education, 2019.

SAMPLE UNION of AMERICA
Authorization for Representation

I hereby authorize Local 409 of the SAMPLE union to be my exclusive representative for the purposes of collective bargaining with my employer. I understand that my signature on this card may be used to obtain certification of Local 409 as our exclusive bargaining representative without an election.

This card will verify that I have applied for union membership and that effective _____ I hereby authorize you to deduct each pay period from my earnings an amount equal to the regular current rate of monthly union dues and initiation fee.

Employer: _____ **Worksite:** _____

Date: _____ **Name:** _____

Street Address: _____ **City:** _____ **Zip Code:** _____

Home Phone: _____ **Cell Phone:** _____ **Home E-Mail:** _____

Department: _____

Job Title/Classification: _____

Signature: _____

You must print and mail in this authorization card for it to be recognized. Only original cards are valid and should be submitted. Mail to:

SAMPLE UNION of America, Local 409
301 Sample Way
Miami, FL 33101

50% if the employer has agreed to recognize the union if a majority of employees sign the authorization cards).

This is a dangerous time for supervisors. During this stage, both union and management use propaganda. The union claims it can improve working conditions, raise wages, increase benefits, and generally get the workers better deals. Management can attack the union on ethical and moral grounds and cite the cost of union membership. Management can also explain its accomplishments, express facts and opinions, and explain the law applicable to organizing campaigns. However, neither side can threaten, bribe, or coerce employees. And an employer (or supervisor) may not make promises of benefits to employees or make unilateral changes in terms and conditions of employment that were not planned to be implemented prior to the onset of union organizing activity.

STEPS TO TAKE Management can take several steps with respect to the authorization cards. For example, the NLRB ruled an employer might lawfully inform employees of their right to revoke their authorization cards, even when employees have not asked for such information. The employer can also distribute pamphlets that explain just how employees can revoke their cards. However, the law prohibits any material assistance to employees such as postage or stationery.

Similarly, it is an unfair labor practice to tell employees they can't sign a card. What you *can* do is prepare supervisors so they can explain what the card actually authorizes the union to do—including subjecting the employee to union rules. The union, for instance, may force the employee to picket and fine any member who does not comply. Such explanations can be an effective weapon.

One thing managers should *not* do is look through signed authorization cards if confronted with them by union representatives. The NLRB could construe that as an unfair labor practice, as spying on those who signed. Doing so could also later form the basis of a charge alleging discrimination due to union activity, if the firm subsequently disciplines someone who signed a card.

During this stage, unions can picket the company, subject to three constraints: (1) The union must file a petition for an election within 30 days after the start of picketing; (2) the firm cannot already be lawfully recognizing another union; and (3) there cannot have been a valid NLRB election during the past 12 months.

MyLab Management Apply It!

Can you identify what this supervisor did right or wrong with the authorization cards? If your professor has assigned this activity, go to the Assignments section of www.pearson.com/mylab/management to complete the video exercise.

Step 3. Hold a Hearing

Once the union collects the authorization cards, one of three things can occur. If the employer chooses *not to contest union recognition* at all, then the parties need no hearing, and a special “consent election” is held. If the employer chooses not to contest the union’s *right to an election*, and/or the scope of the bargaining unit, and/or which employees are eligible to vote in the election, no hearing is needed and the parties can stipulate an election. If an employer *does* wish to contest the union’s right, it can insist on a hearing to determine those issues. An employer’s decision about whether to insist on a hearing is a strategic one. Management bases it on the facts of each case, and on whether it feels it needs more time to try to persuade employees not to elect a union.

Most companies do contest the union’s right to represent their employees, claiming that a significant number don’t really want the union. It is at this point that the NLRB gets involved. The union usually contacts the NLRB, which requests a hearing. It then sends a hearing officer to investigate. The examiner sends both management and union a notice of representation hearing (NLRB Form 852) that states the time and place of the hearing.

The hearing addresses several issues. First, does the record indicate there is enough evidence to hold an election? (For example, did 30% or more of the employees in an appropriate bargaining unit sign the authorization cards?) Second, the examiner decides what the bargaining unit will be. The **bargaining unit** is the group of employees that the union will be authorized to represent and bargain for collectively. If the entire organization is the bargaining unit, the union will represent all nonsupervisory, nonmanagerial, and nonconfidential employees, even though the union may be oriented mostly toward blue-collar workers. (Professional and nonprofessional employees can be included in the same bargaining unit only if the professionals agree.) If your firm disagrees with the examiner’s bargaining unit decision, it can challenge the decision. This will require a separate NLRB ruling.

The NLRB hearing addresses other issues. These include, “Does the employer qualify for coverage by the NLRB?” and “Is the union a labor organization within the meaning of the National Labor Relations Act?”

If the results of the hearing are favorable for the union, the NLRB will order holding an election. It will issue a Notice of Election (NLRB Form 707) to that effect for the employer to post.

Step 4. The Campaign

During the campaign that precedes the election, union and employer appeal to employees for their votes. The union will emphasize that it will prevent unfairness, set up grievance and seniority systems, and improve wages. Union strength, they’ll say, will give employees a greater voice in disciplinary matters and in determining wages and working conditions. Management will stress that improvements like those don’t require unions and that wages are equal to or better than with a union. Management will also emphasize the cost of union dues; the fact that the union is an “outsider”; and that if the union wins, a strike may follow. It can even attack the union on ethical and moral grounds, while insisting that employees will not be as well off and may lose freedom. But neither side can threaten, bribe, or coerce employees.

bargaining unit

The group of employees the union will be authorized to represent.

FIGURE 15-3 Sample NLRB Ballot

UNITED STATES OF AMERICA
National Labor Relations Board

Step 5. The Election

The election occurs within 30 to 60 days after the NLRB issues its Decision and Direction of Election. The election is by secret ballot; the NLRB provides the ballots (see Figure 15-3), voting booth, and ballot box; counts the votes; and certifies the results.

The union becomes the employees' representative if it wins the election, and winning means getting a majority of the votes *cast*, not a majority of the total workers in the bargaining unit. (Also keep in mind that if an employer commits an unfair labor practice, the NLRB may reverse a "no union" election. Supervisors must therefore be careful not to commit unfair practices.)

Several things influence whether the union wins the certification election. Unions have a higher probability of success in geographic areas with a higher percentage of union workers. High unemployment seems to lead to poorer results for the union, perhaps because employees fear that unionization efforts might result in reduced job security or employer retaliation. Unions usually carefully pick the size of their bargaining unit (all clerical employees in the company, only those at one facility, and so on) because the larger the bargaining unit, the smaller the probability of union victory. The more workers vote, the less likely a union victory, probably because more workers who are not strong supporters vote.

How to Lose an NLRB Election

In recent years, unions have won about 69% of elections held each year (and as we'll see, somewhat fewer decertifications).³⁶ According to expert Matthew Goodfellow, there is no sure way employers can win elections, but several sure ways to lose one.³⁷

Reason 1. Asleep at the switch. In one study, in 68% of the companies that lost to the union, executives were caught unaware. In these companies, turnover and absenteeism had increased, productivity was erratic, and safety was poor. Grievance procedures were rare. But ironically when the first reports of authorization cards began trickling in, management usually responded with letters describing the company as “one big family.”³⁸

Reason 2. Appointing a committee. Of the losing companies, 36% formed a committee to manage the campaign. The problems here are that: (1) promptness is essential in an election situation, and committees move slowly; (2) most committee members are NLRB neophytes, whose views reflect hope rather than experience; and (3) a committee's decision is usually a compromise decision, not necessarily the most effective one. This expert suggests giving full responsibility to one decisive executive. A human resource director and a consultant or advisor with broad experience in labor relations should assist this person.

Reason 3. Concentrating on money and benefits. In 54% of the elections studied, the company lost because top management concentrated on money and benefits. As Goodfellow says:

Employees may want more money, but quite often, if they feel the company treats them fairly, decently, and honestly, they are satisfied with reasonable, competitive rates and benefits. It is only when they feel ignored, uncared for, and disregarded that money becomes a major issue to express their dissatisfaction.³⁹

Reason 4. Delegating too much to divisions. For companies with plants scattered around the country, unionizing one plant tends to lead to unionizing others. The solution is, don't abdicate all personnel and industrial relations decisions to plant managers.⁴⁰ Dealing effectively with unions—monitoring employees' attitudes, reacting properly when the union appears, and so on—requires centralized guidance from the main office and its human resources staff.

Evidence-Based HR: What to Expect the Union to Do to Win the Election

The other side of the coin is this: What can unions do to boost their chances they'll win the election? A researcher analyzed data from 261 NLRB elections. She found that the best way for unions to win is a "rank-and-file strategy." This includes:⁴¹

1. "Reliance on a slow, underground, person-to-person campaign using house calls, small group meetings, and pre-union associations to develop leadership and union commitment, and prepare workers for employer anti-union strategies before the employer becomes aware of the campaign."
2. The union will focus on building active rank-and-file participation, including an organizing committee reflecting the different interest groups in the bargaining unit.
3. The union will press for a first contract early in the organizing process.
4. The union will use "inside and outside pressure tactics to build worker commitment and compel the employer to run a fair campaign."
5. There will be an emphasis during the organizing campaign on issues such as respect, dignity, and fairness, not just traditional bread-and-butter issues like wages.

The Supervisor's Role

After Target won a unionization election at a New York store, a federal judge overturned it and required a new election. The judge found that Target managers had violated labor law by telling employees they couldn't wear union buttons or distribute flyers, and by threatening to discipline workers who discussed union matters.⁴²

Supervisors are an employer's first line of defense in the unionizing effort. They are often in the best position to sense employee attitude problems, and to discover the first signs of union activity. However, supervisors can also inadvertently undermine their employer's union efforts. Supervisory unfair labor practices could then (1) cause the NLRB to hold a new election after your company has won a previous election, or (2) cause your company to forfeit the second election and go directly to contract negotiation.

For example, one plant superintendent reacted to a union's initial organizing attempt by prohibiting distribution of union literature in the plant's lunchroom. Since solicitation of off-duty workers in nonwork areas is generally legal, the company subsequently allowed the union to post literature on the company's bulletin board and to

distribute literature in nonworking areas inside the plant. However, the NLRB still ruled that the initial act of prohibiting distribution of the literature was an unfair labor practice, one not “made right” by the company’s subsequent efforts. The NLRB used the superintendent’s action as one reason for invalidating an election that the company had won.⁴³ (Today certain “supervisors” may no longer be excluded from the bargaining unit. The employer could trigger an unfair labor practice charge if it tries to use those people to assist in its campaign.)⁴⁴

SOME TIPS Supervisors can use the acronym TIPS to remember what *not* to do during the campaigns.⁴⁵ *Do not Threaten, Interrogate, make Promises to, or Spy on employees* (for instance, do not threaten that you will close or move the business, cut wages, reduce overtime, or lay off employees). FORE outlines what you may do. *You may give employees Facts* (like what signing the authorization card means), express your Opinion about unions, explain factually correct Rules (such as that the law permits permanently replacing striking employees), and share your Experiences about unions. The Know Your Employment Law discussion expands on this.



KNOW YOUR EMPLOYMENT LAW

Rules Regarding Literature and Solicitation

To avoid legal problems, employers need rules governing distribution of literature and solicitation of workers, and should show supervisors how to apply them.⁴⁶ For example:

1. Employers can always bar nonemployees from soliciting employees when the employee is on duty and not on a break.
2. Employers can usually stop employees from soliciting other employees for any purpose if one or both employees are on paid-duty time and not on a break.
3. Most employers (generally not including retail stores, shopping centers, and certain other employers) can bar nonemployees from the building’s interiors and work areas as a right of private property owners.⁴⁷
4. Employers can deny on- or off-duty employees access to interior or exterior areas only if they can show the rule is required for reasons of production, safety, or discipline.

Again, such restrictions are valid only if the employer doesn’t discriminate against the union. Thus, if the employer lets employees collect money for baby gifts, to sell products, or to engage in other solicitation during their working time, it may not be able lawfully to prohibit them from union soliciting during work time. Here is one example of a specific rule aimed at limiting union organizing or activity:

Solicitation of employees on company property during working time interferes with the efficient operation of our business. Nonemployees are not permitted to solicit employees on company property for any purpose. Except in break areas where both employees are on break or off the clock, no employee may solicit another employee during working time for any purpose.⁴⁸ ■

MyLab Management Apply It!

Can you identify what this employer did right or wrong in handling this union organizing campaign? If your professor has assigned this activity, go to the Assignments section of www.pearson.com/mylab/management to complete the video exercise.

Decertification Elections: Ousting the Union

Winning an election and signing an agreement don’t necessarily mean that the union is in the company to stay. The same law that grants employees the right to unionize also gives them a way to terminate legally (decertify) their union’s right to represent them. There were 180 such **decertification** elections in one recent year, of which unions won about 39%.⁴⁹ (That’s actually a more favorable win rate for employers than that for the original, representation elections).

decertification

Legal process for employees to terminate a union’s right to represent them.

Decertification campaigns are similar to certification campaigns.⁵⁰ The union organizes membership meetings and house-to-house visits, mails literature into the homes, and uses phone calls, e-mails, NLRB appeals, and (sometimes) threats and harassment to win the election. Employers can't legally start the decertification process, but once started management uses meetings—including one-on-one meetings, small-group meetings, and meetings with entire units—as well as legal or expert assistance, letters, improved working conditions, and subtle or not-so-subtle threats to try to influence the votes.⁵¹

Globalization complicates the employer's union relations challenges, as the accompanying HR Practices Around the Globe feature shows.

■ IMPROVING PERFORMANCE: HR PRACTICES AROUND THE GLOBE⁵²

France Comes to the Workers' Aid

Employers planning to expand abroad should ponder the experience of drug maker Sanofi SA in France. Because of the relatively high cost of running its research facility in southwestern France, Sanofi told its researchers there it was closing their facility.⁵³ Employees began staging weekly protests, supported by the French government, which opposes profitable companies slashing jobs. After 9 months, the company was still waiting for a government report on the situation so it could finish negotiating with its unions and try to get some of them other jobs elsewhere. As one Sanofi manager said, "In France, the politics, the labor laws are extremely different than in any other regions. . . . It means that for sites like Toulouse . . . anything you want to do differently gets to be a confrontational issue."⁵⁴

MyLab Management Talk About It 3

If your professor has assigned this, go to the Assignments section of www.pearson.com/mylab/management to complete this discussion question. With government policies like this, how do you think French companies remain competitive with those, say, in the United States?



The Collective Bargaining Process

What Is Collective Bargaining?

When and if the union becomes your employees' representative, a day is set for management and labor to meet and negotiate a labor agreement. This agreement will contain specific provisions covering wages, hours, and working conditions.

What exactly is **collective bargaining**? According to the National Labor Relations Act:

For the purpose of [this act,] to bargain collectively is the performance of the mutual obligation of the employer and the representative of the employees to meet at reasonable times and confer in good faith with respect to wages, hours, and terms and conditions of employment, or the negotiation of an agreement, or any question arising thereunder, and the execution of a written contract incorporating any agreement reached if requested by either party, but such obligation does not compel either party to agree to a proposal or require the making of a concession.

In plain language, this means that both management and labor are required by law to negotiate wages, hours, and terms and conditions of employment "in good faith."

What Is Good Faith?

Good faith bargaining is the cornerstone of effective labor-management relations. It means that both parties communicate and negotiate, match proposals with counter-proposals, and make a reasonable effort to arrive at an agreement. It does not mean that one party compels another to agree. Nor does it require that either party make any specific concessions (although some may be necessary).⁵⁵

LEARNING OBJECTIVE 15-4

Illustrate with five examples bargaining that is not in good faith.

collective bargaining

The process through which representatives of management and the union meet to negotiate a labor agreement.

good faith bargaining

Both parties are making every reasonable effort to arrive at agreement; proposals are being matched with counterproposals.

How can you tell if bargaining is *not* in good faith? Here are some examples.⁵⁶

Surface bargaining. Going through the motions of bargaining without any real intention of completing an agreement.

Inadequate concessions. Unwillingness to compromise.

Inadequate proposals and demands. The NLRB considers the advancement of proposals to be a positive factor in determining overall good faith.

Dilatory tactics. The law requires that the parties meet and “confer at reasonable times and intervals.” Obviously, refusal to meet with the union does not satisfy the positive duty imposed on the employer.

Imposing conditions. Attempts to impose conditions that are so onerous or unreasonable as to indicate bad faith.

Making unilateral changes in conditions. This is a strong indication that the employer is not bargaining with the required intent of reaching an agreement.

Bypassing the representative. The duty of management to bargain in good faith involves, at a minimum, recognition that the union representative is the one with whom the employer must deal in conducting negotiations.

Withholding information. An employer must supply the union with information, upon request, to enable it to discuss the collective bargaining issues intelligently.

Of course, requiring good faith bargaining doesn’t mean that negotiations can’t grind to a halt. For example, a few years ago the National Football League accused the Players Association of not bargaining in good faith, using delays to “run out the clock” so that the players could bring suit against the NFL.⁵⁷

The Negotiating Team

Both union and management send negotiating teams to the bargaining table, and both go into the bargaining sessions having “done their homework.”

First, they acquire data on which to build their bargaining positions.⁵⁸ From compensation surveys they compile data on pay and benefits, including comparisons with local pay rates and to rates for similar jobs in the industry. Data on the distribution of the workforce (in terms of age, sex, and seniority, for instance) are important, because it determines benefits. Internal economic data regarding benefits, earnings, and the cost of overtime are important too. Union representatives will have sounded out union members on their desires and conferred with representatives of related unions.

Management will also “cost” the current labor contract and determine the increased cost—total, per employee, and per hour—of the union’s demands. It will use information from grievances and feedback from supervisors to determine what the union’s demands might be, and prepare counteroffers and arguments.⁵⁹ Other popular tactics include attitude surveys to test employee reactions to various sections of the contract that management may feel require change, and informal conferences with local union leaders to discuss the operational effectiveness of the contract and to send up trial balloons on management ideas for change.

Costing the Contract

Collective bargaining experts emphasize the need to cost the union’s demands carefully. One says,

The mistake I see most often is [HR professionals who] enter the negotiations without understanding the financial impact of things they put on the table. For example, the union wants three extra vacation days. That doesn’t sound like a lot, except that in some states, if an employee leaves, you have to pay them for unused vacation time. [So] now your employer has to carry that liability on their books at all times.⁶⁰

Bargaining Items

Labor law sets out categories of specific items that are subject to bargaining: These are mandatory, voluntary, and illegal items.

TABLE 15-1 Illustrative Bargaining Items

Mandatory	Permissible	Illegal
Rates of pay	Indemnity bonds	Closed shop
Hours of employment	Management rights as to union affairs	Separation of employees based on race
Overtime pay	Pension benefits of retired employees	Discriminatory treatment
Holidays	Scope of the bargaining unit	
Vacations	Including supervisors in the contract	
Severance pay	Additional parties to the contract such as the international union	
Pensions	Use of union label	
Insurance benefits	Settlement of unfair labor charges	
Profit-sharing plans	Prices in cafeteria	
Christmas bonuses	Continuance of past contract	
Employee security	Membership of bargaining team	
Job performance	Employment of strikebreaker	
Union security		
Drug testing of employees		

Source: Michael R. Carrell and Christina Heavrin, *Labor Relations and Collective Bargaining: Cases, Practices, and Law*, 6th edition, © 2001. Reprinted by permission of Pearson Education, Inc. Upper Saddle River, NJ.

voluntary (or permissible) bargaining items

Items in collective bargaining over which bargaining is neither illegal nor mandatory—neither party can be compelled against its wishes to negotiate over those items.

Voluntary (or permissible) bargaining items are neither mandatory nor illegal; they become a part of negotiations only through the joint agreement of both management and union. Neither party can compel the other to negotiate over voluntary items. You cannot hold up signing a contract because the other party refuses to bargain on a voluntary item, such as benefits for retirees.

Illegal bargaining items are forbidden by law. A clause agreeing to hire union members exclusively would be illegal in a right-to-work state, for example.

Table 15-1 presents some of the 70 or so **mandatory bargaining items** over which bargaining is mandatory under the law. They include wages, hours, rest periods, layoffs, transfers, benefits, and severance pay. Others, such as drug testing, are added as the law evolves.



illegal bargaining items

Items in collective bargaining that are forbidden by law; for example, a clause agreeing to hire “union members exclusively” would be illegal in a right-to-work state.

mandatory bargaining items

Items in collective bargaining that a party must bargain over if they are introduced by the other party—for example, pay.

Building Negotiating Skills

Hammering out a satisfactory labor agreement requires negotiating skills. Experienced negotiators use *leverage*, *desire*, *time*, *competition*, *information*, *credibility*, and *judgment* to improve their bargaining positions.⁶¹ Things you can *leverage* include *necessity*, *desire*, *competition*, and *time*.⁶² For example, the union knows that an employer who must fill a big order fast (*necessity*) is at a disadvantage.

Similarly, the employer who makes its *desires* too obvious undercuts its position. *Competition* is important too. There is no more convincing ploy than subtly hinting you’ve got an alternative (like shifting services abroad). *Time* (particularly deadlines) can also tilt things for or against you.

“Knowledge is power” when negotiating, so having *information* is advantageous, as is *credibility*. Finally, good negotiators need *judgment*: the ability to “strike the right balance between gaining advantages and reaching compromises, in the substance as well as in the style of [their] negotiating technique.”⁶³

Bargaining Guidelines

Expert Reed Richardson has the following advice for bargainers:

1. Be sure to set clear objectives for every bargaining item, and be sure you understand the reason for each.
2. Do not hurry.
3. When in doubt, caucus with your associates.

4. Be well prepared with firm data supporting your position.
5. Strive to keep some flexibility in your position.
6. Don't concern yourself just with what the other party says and does; find out why.
7. Respect the importance of face saving for the other party.
8. Be alert to the real intentions of the other party—not only for goals, but also for priorities.
9. Be a good listener.
10. Build a reputation for being fair but firm.
11. Learn to control your emotions and use them as a tool.
12. As you make each bargaining move, be sure you know its relationship to all other moves.
13. Measure each move against your objectives.
14. Remember that collective bargaining is a compromise process. There is no such thing as having all the pie.
15. Try to understand the people and their personalities.⁶⁴
16. Remember that excessive bargainer transparency and openness can backfire.⁶⁵



impasse

Collective bargaining situation that occurs when the parties are not able to move further toward settlement, usually because one party is demanding more than the other will offer.

mediation

Intervention in which a neutral third party tries to assist the principals in reaching agreement.

fact finder

A neutral party who studies the issues in a dispute and makes a public recommendation for a reasonable settlement.

arbitration

The most definitive type of third-party intervention, in which the arbitrator usually has the power to determine and dictate the settlement terms.

interest arbitration

Arbitration enacted when labor agreements do not yet exist or when one or both parties are seeking to change the agreement.

rights arbitration

Arbitration that interprets existing contract terms, for instance, when an employee questions the employer's right to take some disciplinary action.

Impasses, Mediation, and Strikes

In collective bargaining, an **impasse** (or stalemate) occurs when the parties are not able to move further toward settlement. This usually occurs because one party is demanding more than the other will offer. For example, after reaching agreement with its unions on many issues after several months of bargaining, the Polk County (Florida) School District declared an impasse. It said that although it had negotiated in good faith with its two unions, it could not reach agreement on several issues, including wages and teacher evaluations.⁶⁶ Sometimes a third party, such as a mediator, can resolve an impasse. If the impasse is not resolved, the union may call a work stoppage, or **strike**.⁶⁷

THIRD-PARTY INVOLVEMENT Negotiators use three types of third-party interventions to overcome an impasse. With **mediation**, a neutral third party tries to assist the principals in reaching agreement. The mediator meets with each party to determine where each stands, and then uses this information to find common ground for bargaining. When Hostess Brands couldn't reach agreement with its unions, its bankruptcy judge had them join him for a mediation session, where he tried (unsuccessfully) to broker a new contract.⁶⁸

In certain situations, as in a national emergency dispute, a **fact finder** is a neutral party who studies the issues in a dispute and makes a public recommendation for a reasonable settlement.⁶⁹ Presidential emergency fact-finding boards resolved impasses in certain critical transportation disputes.

Arbitration is the most definitive third-party intervention, because the arbitrator may have the power to determine and dictate the settlement terms. With *binding arbitration*, both parties are committed to accepting the arbitrator's award. With *nonbinding arbitration*, they are not. Arbitration may also be voluntary or compulsory (imposed by a government agency). In the United States, voluntary binding arbitration is the most prevalent.

There are two main topics of arbitration. **Interest arbitration** centers on working out a labor agreement; the parties use it when such agreements do not yet exist or when one or both parties are seeking to change the agreement. **Rights arbitration** really means "contract interpretation arbitration." It usually involves interpreting existing contract terms, for instance, when an employee questions the employer's right to have taken some disciplinary action.⁷⁰ Mediators will often use *alternative dispute resolution* tactics (such as asking if the parties want to take a break, or are willing to set the issue at hand aside temporarily) to head off or deal with an impasse.⁷¹

SOURCES OF THIRD-PARTY ASSISTANCE Various public and professional agencies make arbitrators and mediators available. For example, the American Arbitration Association (AAA) represents and provides the services of thousands of arbitrators and mediators to employers and unions. The U.S. government's Federal Mediation and Conciliation Service provides both arbitrators and mediators (see Figure 15-4).⁷² In addition, most states provide arbitrator and mediation services.

FIGURE 15-4 Form to Request Mediation Services

Source: Federal Mediation and Conciliation Service.

FMCS Form F-53
Revised 5-92

Form Approved
OMB No. 3076-0005

FEDERAL SECTOR LABOR RELATIONS NOTICE TO FEDERAL MEDIATION AND CONCILIATION SERVICE

Mail To:	Notice Processing Unit FEDERAL MEDIATION AND CONCILIATION SERVICE 2100 K Street, N.W. Washington, D.C. 20427		
THIS NOTICE IS IN REGARD TO: (MARK "X")			
① <input checked="" type="checkbox"/> AN INITIAL CONTRACT <input checked="" type="checkbox"/> A CONTRACT REOPENER <input checked="" type="checkbox"/> THE EXPIRATION OF AN EXISTING AGREEMENT	(INCLUDED FLRA CERTIFICATION NUMBER) # _____ REOPENER DATE: _____ EXPIRATION DATE: _____		
② <input type="checkbox"/> OTHER REQUESTS FOR THE ASSISTANCE OF FMCS IN BARGAINING (MARK "X")			
③ <input type="checkbox"/> REQUEST FOR GRIEVANCE MEDIATION (SEE ITEM #10) (MARK "X")			
④ ISSUE(S) NAME OF FEDERAL AGENCY	NAME OF SUBDIVISION OR COMPONENT, IF ANY		
STREET ADDRESS OF AGENCY	CITY	STATE	ZIP
⑤ AGENCY OFFICIAL TO BE CONTACTED AREA CODE & PHONE NUMBER			
NAME OF NATIONAL UNION OR PARENT BODY	NAME AND/OR LOCAL NUMBER		
STREET ADDRESS	CITY	STATE	ZIP
⑥ UNION OFFICIAL TO BE CONTACTED AREA CODE & PHONE NUMBER			
⑦ LOCATION OF NEGOTIATIONS OR WHERE MEDIATION WILL BE HELD			
STREET ADDRESS	CITY	STATE	ZIP
⑧ APPROX. # OF EMPLOYEES IN BARGAINING UNIT(S) >> IN ESTABLISHMENT>>			
⑨ THIS NOTICE OR REQUEST IS FILED ON BEHALF OF (MARK "X") UNION AGENCY			
⑩ NAME AND TITLE OF OFFICIAL(S) SUBMITTING THIS NOTICE OR REQUEST AREA CODE AND PHONE NUMBER			
STREET ADDRESS	CITY	STATE	ZIP
FOR GRIEVANCE MEDIATION, THE SIGNATURES OF BOTH PARTIES ARE REQUIRED: [*]			
⑪ SIGNATURE (AGENCY)	DATE	SIGNATURE (UNION)	DATE

*Receipt of this form does not commit FMCS to offer its services. Receipt of this form will not be acknowledged in writing by FMCS. While use of this form is voluntary, its use will facilitate FMCS service to respondents. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing the collection of information, sending comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to FMCS Division of Administrative Services, Washington, D.C. 20427, and to the Office of Management and Budget, Paperwork Reduction Project, Washington, D.C. 20503.

For Instructions, See Back

strike

A withdrawal of labor.

economic strike

A strike that results from a failure to agree on the terms of a contract that involves wages, benefits, and other conditions of employment.

unfair labor practice strike

A strike aimed at protesting illegal conduct by the employer.

wildcat strike

An unauthorized strike occurring during the term of a contract.

sympathy strike

A strike that takes place when one union strikes in support of the strike of another.⁷⁴

STRIKES A strike is a withdrawal of labor. There are four main types of strikes. An economic strike results from a failure to agree on the terms of a contract. Unions call unfair labor practice strikes to protest illegal conduct by the employer. A wildcat strike is an unauthorized strike occurring during the term of a contract. A sympathy strike occurs when one union strikes in support of the strike of another union.⁷⁵ For example, in sympathy with South Korean Hyundai workers, the United Auto Workers organized a rally outside of Hyundai's technical center in Superior Township, Michigan, and took steps to hold other rallies.⁷⁴

Resisting unions isn't unique to American employers, of course. For example, in December 2017, the European airline Ryanair suffered its first-ever pilot strike, just after union talks broke down.⁷⁵

Stacy Walsh Rosenstock/Alamy Stock Photo



Picketing is one of the first activities to occur during a strike. The purpose is to inform the public about the labor dispute.

picketing

Having employees carry signs announcing their concerns near the employer's place of business.

The likelihood of and severity of a strike depend partly on the parties' willingness to "take a strike."⁷⁶ The number of major work stoppages (strikes involving 1,000 workers or more) peaked at about 400 per year between 1965 and 1975, and today average around 20.

Picketing, or having employees carry signs announcing their concerns near the employer's place of business, is one of the first activities to appear during a strike. Its purpose is to inform the public about the existence of the labor dispute and often to encourage them to refrain from doing business with the struck employer.

Employers have several options when employees strike. One is to temporarily shut down the affected area and halt operations. A second is to contract out work to blunt the effects of the strike. A third is to continue operations, perhaps using supervisors and other nonstriking workers. A fourth alternative is hiring replacements for the strikers.

Diminished union influence plus competitive pressures now prompt more employers to replace (or consider replacing) strikers with permanent replacement workers. When the United Steel Workers struck refineries, BP quickly began training replacement workers.⁷⁷ And in a labor dispute a few years ago, the NFL implied even they might use replacement players.⁷⁸

Employers generally can replace strikers. In one case known as *Mackay*, the U.S. Supreme Court ruled that although the National Labor Relations Act does prohibit employers from interfering with employees' right to strike, employers still have the right to continue their operations and to replace strikers. Subsequent decisions by the National Labor Relations Board put some limitations on *Mackay*. For example, employers cannot permanently replace strikers who are protesting unfair labor practices; they must rehire strikers who unconditionally apply for reinstatement.



IMPROVING PERFORMANCE: HR TOOLS FOR LINE MANAGERS AND SMALL BUSINESSES: STRIKE GUIDELINES

As negotiations between the Hibbing Taconite Steel Plant in Minnesota and the United Steelworkers of America headed toward a deadline, the firm brought in security workers and trailers to house them.

Two experts say that, with a strike imminent, following these guidelines is advisable:

- Pay all striking employees what you owe them on the first day of the strike.
- Secure the facility. Management should control access to the property. Some employers make preparations with special strike security companies to provide security during the strike.⁷⁹
- Notify all customers, and prepare a standard official response to all queries.
- Contact all suppliers and others who will have to cross the picket line. Establish alternative methods of obtaining supplies.
- Arrange for overnight stays in the facility and for delivered meals, if necessary.
- Notify the local unemployment office of your need for replacement workers.
- Photograph the facility before, during, and after picketing. If necessary, install video equipment to monitor picket lines.
- Record all facts concerning strikers' demeanor and activities and such incidents as violence, threats, mass pickets, property damage, or problems.
- Gather the following evidence: number of pickets and their names; time, date, and location of picketing; wording on every sign carried by pickets; and descriptions of picketers' cars and license numbers.⁸⁰ ■

corporate campaign

An organized effort by the union that exerts pressure on the corporation by pressuring the company's other unions, shareholders, directors, customers, creditors, and government agencies, often directly.

**boycott**

The combined refusal by employees and other interested parties to buy or use the employer's products.

inside games

Union efforts to convince employees to impede or to disrupt production—for example, by slowing the work pace.

lockout

A refusal by the employer to provide opportunities to work.

injunction

A court order compelling a party or parties either to resume or to desist from a certain action.

OTHER “WEAPONS” Management and labor each have other weapons to break an impasse. The union, for example, may resort to a corporate campaign. A **corporate campaign** is an organized effort by the union to exert pressure on the employer by pressuring the company's other unions, shareholders, corporate directors, customers, creditors, and government agencies.⁸¹ Thus, the union might surprise members of the board of directors by picketing their homes and organizing a **boycott** of the company's banks.⁸²

TRENDS SHAPING HR: DIGITAL AND SOCIAL MEDIA

Unions Go Digital

When it comes to organizing just about any sort of campaign, communication is king, a fact that hasn't been lost on unions. For example, in one survey, 49% of unions said they used Facebook to communicate with members and employees, 23% used Twitter, and 13% used YouTube.⁸³ About 92% of unions have a Web site, while 78.1% use e-mail newsletters.⁸⁴ The group trying to organize Starbucks workers (the *Starbucks Workers' Union*) started their own Web site (starbucksunion.org).⁸⁵ In another recent campaign, the employer restricted the use of its electronic systems (including e-mail) to “business purposes only.” The union filed objections. The NLRB held that nonmanagement employees who normally have access to an employer's e-mail system as part of their jobs may use the system to communicate about union matters when not working, such as during lunch or break times.⁸⁶ ■

Inside games are union efforts to convince employees to impede or to disrupt production—for example, by slowing the work pace or refusing to work overtime.⁸⁷ Inside games are basically strikes—albeit “strikes” in which the company continues to pay the employees. In one inside game at a Caterpillar plant, UAW grievances rose from 22 to 336. This tied up workers and management on company time.⁸⁸

For their part, employers can try to break an impasse with lockouts. A **lockout** is a refusal by the employer to provide opportunities to work. It (sometimes literally) locks out employees and prohibits them from doing their jobs (and being paid). Faced with a new contract that might slash their wages by 50%, Canadian Auto Workers Union employees from one Caterpillar plant found themselves locked out after negotiations failed to produce a settlement.⁸⁹

The NLRB views lockouts as an unfair labor practice only when the employer acts for a prohibited purpose. Trying to bring about a settlement on terms favorable to the employer is not a prohibited purpose. Lockouts are not widely used; employers are usually reluctant to cease operations when employees are willing to continue working.

Employers exert other pressure. When Boeing's union resisted accepting new labor concessions at its Washington assembly facility, Boeing began actively considering moving the planned assembly of its new Boeing 777X long-range jet to South Carolina. Boeing's Washington state workers approved a new agreement.⁹⁰

Both employers and unions can seek a court injunction if they believe the other side is causing irreparable harm to the other party. An **injunction** is a court order compelling a party or parties either to resume or to desist from a certain action.⁹¹

The Contract Agreement

The actual contract agreement may be a 20- or 30-page document, or longer. It may contain just general declarations of policy, or detailed rules and procedures. The tendency today is toward the longer contract.

The main sections of a typical contract cover subjects such as these: (1) management rights; (2) union security and automatic payroll dues deduction; (3) grievance procedures; (4) arbitration of grievances; (5) disciplinary procedures; (6) compensation rates; (7) hours of work and overtime; (8) benefits: vacations, holidays, insurance, pensions; (9) health and safety provisions; (10) employee security seniority provisions; and (11) contract expiration date.

MyLab Management Apply It!

What is it like to actually work out problems with the union? If your professor has assigned this activity, go to the Assignments section of www.pearson.com/mylab/management to complete the video exercise.



LEARNING OBJECTIVE 15-5

Develop a grievance procedure.

Dealing with Disputes and Grievances

Siging the labor agreement is not the last step in collective bargaining. No labor contract can cover all contingencies and answer all questions. For example, suppose the contract says you can only discharge an employee for “just cause.” You subsequently discharge someone for speaking back to you. Was speaking back to you “just cause?”

The *grievance process* is the process or steps that the employer and union agreed to follow to ascertain whether some action violated the collective bargaining agreement. It is the vehicle for administering the contract day to day. However, this usually involves interpretation only, not negotiating new terms or altering existing ones. The aim is to clarify what those contract points really mean, in the context of addressing grievances regarding things like time off, disciplinary action, and pay. When the Cleveland Browns’ head coach fined one of his players \$1,701 for not paying the hotel’s bill for a \$3 bottle of water, players quickly filed grievances with the NFL.⁹²

Sources of Grievances

In practice, it’s probably easier to list those items that *don’t* precipitate grievances than the ones that do. Employees may use just about anything involving wages, hours, or conditions of employment as the basis of a grievance.

Discipline cases and seniority problems including promotions, transfers, and layoffs would top this list. Others would include grievances growing out of job evaluations and work assignments, overtime, vacations, incentive plans, and holidays.⁹³ Here are three examples of grievances:

- **Absenteeism.** An employer fired an employee for excessive absences. The employee filed a grievance stating that there had been no previous warnings related to excessive absences.
- **Insubordination.** An employee on two occasions refused to obey a supervisor’s order to meet with him, unless a union representative was present at the meeting. As a result, the employee was discharged and subsequently filed a grievance protesting the discharge.
- **Plant rules.** The plant had a posted rule barring employees from eating or drinking during unscheduled breaks. The employees filed a grievance claiming the rule was arbitrary.⁹⁴

Grievances are often symptoms of underlying problems. Sometimes bad relationships between supervisors and subordinates are to blame: This is often the cause of grievances over “fair treatment,” for instance. Organizational factors like ambiguous instructions also cause frustration and grievances. Union activism is another cause; the union may solicit grievances from workers to underscore ineffective supervision. Some people are by their nature dissatisfied and prone to complaints. Discipline and dismissal are two major sources of grievances.

The Grievance Procedure

Most collective bargaining contracts contain a **grievance procedure**. It lists the steps in the procedure, time limits associated with each step, and specific rules such as “all charges of contract violation must be reduced to writing.” Nonunionized employers need such procedures, too.

Grievance procedures differ from firm to firm. Some are simple, two-step procedures. Here, the grievant, union representative, and company representative meet to discuss the grievance. If they don’t find a satisfactory solution, the grievance goes

grievance procedure

Formal process for addressing any factor involving wages, hours, or conditions of employment that is used as a complaint against the employer.

FIGURE 15-5 Sample
Online Grievance
Form

EMPLOYEE GRIEVANCE FORM

Aggrieved employee _____ Date _____

Department _____ Employee's job title _____

Employee's work email address and/or other contact information _____

Statement of grievance: Briefly state what happened to lead you to grieve, including for instance situation leading to the complaint, who was involved (names and titles), when the occurrence/situation took place (date and time), and where it took place

Why do you consider this a grievance? (please check one) Contract violation Unfair treatment

If you checked contract violation, please list contract articles and sections you believe apply

What remedy are you seeking?

Aggrieved employee's signature _____ Date _____

HR officer signature _____ Date _____

before a third-party arbitrator, who hears the case, writes it up, and makes a decision. Figure 15-5 shows a grievance form.

At the other extreme, the grievance procedure may contain six or more steps. The first step might be for the grievant and shop steward to meet informally with the supervisor of the grievant to try to find a solution. The next steps involve the grievant and union representatives meeting with higher-level managers. Finally, if top management and the union can't reach agreement, the grievance may go to arbitration.

Guidelines for Handling Grievances

The best way for a supervisor to handle a grievance is to develop a work environment in which grievances don't arise in the first place. Hone your ability to avoid, recognize, diagnose, and correct the causes of potential employee dissatisfaction (such as unfair appraisals or poor communications) before they become grievances.

Given that many factors including union pressures prompt grievances, it would be naïve to think that grievances arise only due to supervisor unfairness. However, there's little doubt that the quality of the interpersonal relations among you and your subordinates will influence your team's grievance rate. The supervisor is on the firing line and must steer a course between treating employees fairly and maintaining management's rights and prerogatives. The HR Tools feature presents some guidelines.



IMPROVING PERFORMANCE: HR TOOLS FOR LINE MANAGERS AND SMALL BUSINESSES: HOW TO HANDLE A GRIEVANCE SITUATION

Grievances cost money, in terms of lost work time, productivity, and (possibly) arbitrators' fees. One expert has developed a list of supervisor do's and don'ts as useful guides in handling grievances.⁹⁵ Some critical ones include:

Do:

1. Investigate and handle each case as though it may eventually result in arbitration.
2. Talk with the employee about his or her grievance; give the person a full hearing.
3. Require the union to identify specific contractual provisions allegedly violated.
4. Comply with the contractual time limits for handling the grievance.
5. Visit the work area of the grievance.
6. Determine whether there were any witnesses.
7. Examine the grievant's personnel record.
8. Fully examine prior grievance records.
9. Treat the union representative as your equal.
10. Hold your grievance discussions privately.
11. Fully inform your own supervisor of grievance matters.

Don't:

1. Discuss the case with the union steward alone—the grievant should be there.
2. Make arrangements with individual employees that are inconsistent with the labor agreement.
3. Hold back the remedy if the company is wrong.
4. Admit to the binding effect of a past practice.
5. Relinquish to the union your rights as a manager.
6. Settle grievances based on what is “fair.” Instead, stick to the labor agreement.
7. Bargain over items not covered by the contract.
8. Treat as subject to arbitration claims demanding the discipline or discharge of managers.
9. Give long written grievance answers.
10. Trade a grievance settlement for a grievance withdrawal.
11. Deny grievances because “your hands have been tied by management.”
12. Agree to informal amendments in the contract. ■

MyLab Management Talk About It 4

If your professor has assigned this, go to the Assignments section of [www.pearson.com/mylab/management](http://www.pearson.com/mylab/) to complete this discussion. Write a 30-word guide that summarizes the essence of these do's and don'ts.

LEARNING OBJECTIVE 15-6

Give an example of cooperative labor relations.

The Union Movement Today and Tomorrow

Union membership has decreased from about 20% of the U.S. workforce in 1983 (when 17.8 million workers belonged to unions) to about 11.1% (just over 14 million workers) recently.⁹⁶

Several factors contributed to the decline. Unions traditionally appealed mostly to blue-collar workers, and the proportion of blue-collar jobs has been decreasing. Globalization increased competition and pressured employers to cut costs and boost productivity, often by shifting production offshore. Other factors pressuring employers and unions included the deregulation of trucking, airlines, and communications, and laws (such as occupational safety) that somewhat reduced the need for unions. Automation displaced still more blue-collar (and other) workers. The poor economy after the 2007–2008 recession triggered public- and private-sector budget cuts and the

The AFL-CIO says unions want higher wages, better benefits, safer workplaces, and to give workers a voice on the job.

Source: <https://aflcio.org/what-unions-do>, accessed January 9, 2018.

loss of about one million public-sector union jobs. And, bankruptcies often end with courts imposing less-favorable contract terms on union employees.⁹⁷ For example, a bankruptcy court judge let Patriot Coal Corp. drastically reduce pay and benefits for thousands of miners, retirees, and dependents.⁹⁸

The net effect has been the permanent layoff of hundreds of thousands of union members, the permanent closing of company plants, the relocation of companies to nonunion settings (either in the United States or abroad), and mergers and acquisitions that eliminated union jobs and affected collective bargaining agreements. That's why union membership as a percentage of people working has dropped by about two-thirds over 50 years, to about 11%.⁹⁹

What Are Unions Doing About It?

Of course, unions aren't sitting idly by. For example, the Change to Win Coalition (representing about 5.5 million workers) will strive, through "innovative campaigns in the private-sector economy . . . to ensure that every working person has a living wage, benefits to support their family and dignity in retirement."¹⁰⁰ The AFL-CIO also continues to press its case, for instance opposing new tax laws that it said would "kill jobs," and opposing a bill that would "slash support for health programs that benefit working families."¹⁰¹

Unions are also increasingly successful organizing new-economy firms. For example, writers at Slate and Salon joined the Writers Guild of America East.¹⁰² Why are these workers unionizing? The companies may be "new," but the reasons are pretty traditional. For example, at Vice Media, fair wages reportedly played a big role. And when the publisher Ziff Davis bought Mashable, it laid off 50 employees; those staying may have read this as a sign that they had to protect themselves.¹⁰³

Unions are also becoming more proactive in coordinating their efforts. For example, to support its efforts to unionize Nissan autoworkers in the United States, the UAW enlisted union members in Brazil to picket Nissan dealerships there.¹⁰⁴ The same is happening in reverse. When Daimler said it was going to phase out producing its "C" cars in Germany and begin producing them in the United States, its German union, IG Metall, began cooperating with the UAW to unionize Daimler's American plants.¹⁰⁵

RECENT TRENDS IN LABOR LAWS As mentioned earlier, support for unions has always ebbed and flowed in America, and the past few years have been no different. For example, in late 2014 the NLRB published its Final Rule on so-called quickie union

elections. By allowing unions to call elections in as little as 13 days after filing a representation petition, labor experts expected this rule to make it more difficult for employers to present their arguments against the union.¹⁰⁶ And after being exempted for many years from having to disclose their participation with each other in a union campaign, employers and their union campaign consultants and attorneys now must report their relationship.¹⁰⁷

Then in 2017 President Trump appointed a Republican labor law attorney for a vacancy on the NLRB; experts assume the board will now move to reverse some of its Obama-era decisions.¹⁰⁸ And in 2018, Republicans in the House of Representatives were pushing for country-wide “right-to-work” legislation.¹⁰⁹

Cooperative Labor–Management Relations

News reports tend to highlight adversarial labor–management relations, but the history of labor–management relations is also sprinkled with cooperation.

For example, more than 50 years ago, General Motors and Toyota created a joint venture they called New United Motor Manufacturing Inc. (NUMMI). NUMMI reopened a former GM plant (in what today produces Tesla automobiles) in Fremont, California. The GM plant had suffered from such poisonous labor relations that GM had to close it. The new partners hoped to merge GM’s marketing expertise with Toyota’s famous team-based management system.¹¹⁰ NUMMI and the UAW agreed that management and labor would work together as a team, give workers a voice in decision making, and build the highest-quality cars at the lowest cost. The plant was soon very successful (although the parties ultimately ended their joint venture).

Since then, many labor–management agreements have included cooperative agreements and clauses, such as a statement of commitment to cooperate, and/or setting up committees to review mutual concerns that arise, and/or guarantees of employment security. But with or without such contractual commitments, there’s little doubt, as one study argues, that unions “that have a cooperative relationship with management can play an important role in overcoming barriers to the effective adoption of practices that have been linked to organizational competitiveness.”¹¹¹ However employers who want to capitalize on that potential must change how they think, by emphasizing a cooperative partnership.¹¹²

Chapter Review

Chapter Section Summaries

15-1. The **labor movement** is important. About 15 million U.S. workers belong to unions—about 11% of the total. Workers unionize not just to get more pay or better working conditions; employer unfairness and the union’s power are also important. Unions aim for union security, and then for improved wages, hours, and working conditions and benefits for their members. Union security options include the closed shop, union shop, agency shop, preferential shop, and maintenance of membership arrangement.

15-2. To understand how to deal with unions, one should understand labor law and **unfair labor practices**. The laws encouraging the union movement included the Norris–LaGuardia and National Labor Relations (Wagner) Acts of the 1930s. These outlawed certain unfair employer

labor practices and made it easier for unions to organize. The Taft–Hartley or Labor Management Relations Act of 1947 addressed keeping unions from restraining or coercing employees, and listed certain unfair union labor practices. In the 1950s, the Landrum–Griffin Act (the Labor Management Reporting and Disclosure Act) further protected union members from possible wrongdoing on the part of their unions.

15-3. When unions begin organizing, any manager may get involved, so one must understand the mechanics of the **union drive and election**. The main steps include initial contact, obtaining authorization cards, holding a hearing, the campaign itself, and the election. Supervisors can follow the acronym TIPS—do not Threaten, Interrogate, make Promises, or Spy. And follow

FORE—provide Facts, express your Opinions, explain factually correct Rules, and share your Experiences.

- 15-4** The employer and union hammer out an agreement via the **collective bargaining process**. The heart of collective bargaining is good faith bargaining, which means both parties must make reasonable efforts to arrive at agreement, and proposals are matched with counterproposals. There are mandatory bargaining items such as pay, illegal bargaining items, and voluntary bargaining items such as benefits for retirees. If things don't go smoothly during bargaining, the parties may utilize third-party intermediaries, including mediators, fact finders, and arbitrators. Strikes represent a withdrawal of labor.

15-5. A manager may become involved with **disputes and grievances**. Collective bargaining agreements contain a specific grievance procedure listing the steps in the procedure. The best way to handle a grievance is to create an environment in which grievances don't occur. If one does occur, investigate, handle each case as though it may lead to arbitration, talk with the employee about the grievance, and comply with the contractual grievance-handling time limits.

15-6. Union federations, such as Change to Win, continue to be aggressive about organizing workers, and unions are going global, so **cooperative labor relations** is both possible and a sensible aim.

Discussion Questions

- 15-1.** Why do employees join unions? What are the advantages and disadvantages of being a union member?
- 15-2.** Discuss four sure ways to lose an NLRB election.
- 15-3.** Briefly illustrate how labor law has gone through a cycle of repression and encouragement.

- 15-4.** Explain in detail each step in a union drive and election.
- 15-5.** Define impasse, mediation, and strike, and explain the techniques that are used to overcome an impasse.

Individual and Group Activities

- 15-6.** You are the manager of a small manufacturing plant. The union contract covering most of your employees is about to expire. Working individually or in groups, discuss how to prepare for union contract negotiations.
- 15-7.** Working individually or in groups, use Internet resources to find situations where company management and the union reached an impasse at some point during their negotiation process, but eventually resolved the impasse. Describe the issues on both sides that led to the impasse. How did they move past the impasse? What were the final outcomes?
- 15-8.** Appendices A and B at the end of this book (pages 614–634) list the knowledge someone studying for the HRCI (Appendix A) or SHRM (Appendix B) certification exam needs to have in each area of human resource management (such as in Strategic Management and Workforce Planning). In groups of several students, do four things: (1) review Appendix A and/or B; (2) identify the material in this chapter that relates to the

Appendix A and/or B required knowledge lists; (3) write four multiple-choice exam questions on this material that you believe would be suitable for inclusion in the HRCI exam and/or the SHRM exam; and (4) if time permits, have someone from your team post your team's questions in front of the class, so that students in all teams can answer the exam questions created by the other teams.

- 15-9.** Several years ago, 8,000 Amtrak workers agreed not to disrupt service by walking out, at least not until a court hearing was held. Amtrak had asked the courts for a temporary restraining order, and the Transport Workers Union of America was actually pleased to postpone its walkout. The workers were apparently not upset at Amtrak, but at Congress for failing to provide enough funding for Amtrak. What, if anything, can an employer do when employees threaten to go on strike, not because of what the employer did, but what a third party—in this case, Congress—has done or not done? What laws would prevent the union from going on strike in this case?



Experiential Exercise

The Organizing Campaign at Sam's Cupcake Shop

Written and copyrighted by Gary Dessler, PhD.

Purpose: The purpose of this exercise is to give you practice in dealing with some of the elements of a union-organizing campaign.¹¹³

Required Understanding: You should be familiar with the material covered in this chapter, as well as the following incident, “The Organizing Campaign at Sam’s Cupcake Shop.”

Incident: Sam’s Cupcake Shop sells baked goods (croissants, cupcakes, rolls, cakes, etc.) and serves light meals such as breakfast and salads through its chain of ten small retail stores in the borough of Manhattan, in New York City. Each store is staffed with about 9 employees (plus one manager), some of whom do the cooking and some of whom staff the counter and sell the food items. As with Sam’s other stores, the Sam’s Cupcake Shop on First Avenue is staffed mostly with recent (legal) immigrants to America, all of whom are paid at or just above the minimum wage. Everything at the First Avenue store seemed to be going smoothly, but that apparent tranquility ended abruptly on July 27, 2018. That was the day that Anesha, the First Avenue store’s manager, called Taylor Brooke, Sam’s Cupcake’s human resource manager, to tell her that they had “an employee problem.”

The problem, Anesha said, was that she’d heard from a few employees that the Service Employees International Union was trying to organize Sam’s Cupcake Shop employees. Taylor’s first reaction was one of caution, particularly because food service employees are historically difficult to organize—“they don’t stay in their jobs long enough to unionize them,” to paraphrase one union leader.¹¹⁴ Unfortunately, Anesha said she had

already taken what she called “sensible steps” to blunt the unionization effort. She had, first, explained to her employees that if costs went up because they unionized, then “we’d probably have to close this shop.” She said she also promised better work schedules if they “ignored” the union, and told them they were prohibited from discussing union matters during work time. “And don’t worry” she said to Taylor, “I’ve got a list of the employees who are pushing for the union.”

The more Anesha talked, the more concerned Taylor became, not just with the union but with the possible consequences of Anesha’s efforts. She wondered particularly if Anesha’s actions could cause problems down the road for Sam’s Cupcakes with the NLRB.

She didn’t have long to wait for an answer. The following week pickets from the union and its supporters appeared in front of the First Avenue store carrying signs decrying the company’s “unfair labor practices.” At that point Sam came into Taylor’s office and said, “If they think they can railroad me into giving them big raises they are wrong; I am closing that store down.” Taylor was in a quandary as to how to reply to Sam, and in general, what she should do.

How to Set Up the Exercise/Instructions: Divide the class into groups of several students. Assume that you are labor relations consultants retained by Taylor to identify the problems and issues involved and to advise Taylor and Sam of the company’s rights and obligations, as well as the implications of what’s transpired so far, and finally what to do next. Each group will spend the time allotted discussing the issues. Then, outline those issues, as well as an action plan for Taylor and Sam. What should they do next? Can Sam really close the store down?

If time permits, a spokesperson from each group should list on the board the issues involved and the group’s recommendations.

Application Case

Organizing New Media Employees at Vice Media

Written and copyrighted by Gary Dessler, PhD.

In 2016 Vice Media and the Writers Guild of America (WGA) agreed on a contract covering about 70 people in Vice Media digital businesses.¹¹⁵ In 2017 another 430 Vice Media employees voted to unionize. Many of them work on video content for Vice.com and Vice-branded HBO programs. Some joined the WGA East, and some the Motion Pictures Editors Guild. With “new media” growing fast, what’s happening at Vice Media illustrates the union challenges new media firms face today.

Vice Media began as an edgy magazine in the 1990s. Today, in addition to its print arm, it has morphed into an online news source with channels including Noisey, Garage, and Motherboard, a Viceland cable channel (among others), and mobile platforms. Walt Disney Company made a \$400 million investment in Vice, and Vice Media recently got a \$450 million investment from a private equity firm. Some of this new money will go to developing scripted programming for Vice’s ViceLand cable channel and mobile platforms. In any case, it’s obvious that, as at other new-media firms like Buzzfeed and Vox, content creators—writers, editors, and so on—are the lifeblood of the company. That makes labor relations a central issue for companies like these.

For unions, the new-media workforce represents one of the best opportunities in years for union membership to start growing again.

Unions like the WGA are therefore pursuing these employees. In doing so, they're emphasizing the things millennial workers seem to care about the most, not just wage increases, but editorial independence and diversity.

To help unionize firms like these, unions are holding networking events, and headlining them with employees from new-media firms that they've organized. For example, one union let unionized writers from *The Daily Show* explain the advantages of union membership.

Some new-media companies (including Vice Media) were fairly welcoming of the unions, while others were more combative. For example, Buzzfeed's CEO reportedly took a strong stance against the "adversarial" nature of unionization.

Therefore, things don't always go well for new-media employees who do organize. For example, the owner of Gothamist and DNAinfo closed both sites after employees voted to unionize. The owner had warned that it was already running both sites at a loss.

Unions and new-media employers therefore have to understand what new-media employees—many or most of whom are millennials—want from employers. And it turns out that what they want isn't that different from what workers have always wanted. In addition to editorial independence, they want good pay and benefits, fair treatment, and the ability to be heard.

Employers who hoped that the glamour of writing for a fast-growing new-media firm might be enough to keep workers from unionizing were wrong. For one thing (to paraphrase one Vice Media channel editor), after Mashable laid off 50 employees and Buzzfeed fired 100, anxiety began prompting employees to unionize. Many

(or most) of these employees went to good schools and got good jobs, only to find that journalists' average pay is low and turnover is high: Many were on their second or third jobs just a few years after college. It's probably not surprising that one study found that 46% of people 30 and over view unions favorably, while 55% of those 18 to 29 have favorable views.

Furthermore, both the new-media firms and their employees have evolved. For example, many firms, including Vice Media, began as what one writer called the "lawless cowboys" of new media. But as they and their employees aged, the writers and employees wanted more stability.

Questions

- 15-10. The WGA did not have to call a strike at Vice. Why do you think that is? If they struck, what employer tactics would you have suggested to fight back once the strike began?
- 15-11. What do you think accounts for the fact that Vice Media agreed fairly quickly to recognize the union, whereas other new-media firms simply closed down? What does this mean for unions like the WGA?
- 15-12. The organizing campaigns at new-media firms like Vice and Buzzfeed are essentially conflicts between professional and creative people (the WGA) and owners and TV and movie producers. Do you think such conflicts are different in any way than are the conflicts between, say, the United Autoworkers or Teamsters unions against auto and trucking companies? Why?
- 15-13. If you owned a start-up new-media company, how would you react to a union coming in to demand recognition, and why?

Continuing Case

Carter Cleaning Company

Written and copyrighted by Gary Dessler, PhD.

The Grievance

On visiting one of Carter Cleaning Company's stores, Jennifer was surprised to be taken aside by a long-term Carter employee, who met her as she was parking her car. "Murray (the store manager) told me I was suspended for 2 days without pay because I came in late last Thursday," said George. "I'm really upset, but around here the store manager's word seems to be law, and it sometimes seems like the only way anyone can file a grievance is by meeting you or your father like this in the parking lot." Jennifer was very disturbed by this revelation and promised the employee she would look into it and discuss the

situation with her father. In the car heading back to headquarters, she began mulling over what Carter Cleaning Company's alternatives might be.

Questions

- 15-14. Do you think it is important for Carter Cleaning Company to have a formal grievance process? Why or why not?
- 15-15. Based on what you know about the Carter Cleaning Company, outline the steps in what you think would be the ideal grievance process for this company.
- 15-16. In addition to the grievance process, can you think of anything else that Carter Cleaning Company might do to make sure grievances and gripes like this one are expressed and are heard by top management?

Translating Strategy into HR Policies and Practices Case*,§

* The accompanying strategy map for this chapter is in MyLab Management; the overall map on the inside back cover of this text outlines the relationships involved.

Improving Performance at the Hotel Paris

The Hotel Paris's New Labor Relations Practices

The Hotel Paris's competitive strategy is "To use superior guest service to differentiate the Hotel Paris properties, and to thereby increase the length of stay and return rate of guests, and thus boost revenues and profitability." HR manager Lisa Cruz must now formulate functional policies and activities that support this competitive strategy and

boost performance by eliciting the required employee behaviors and competencies.

Lisa Cruz's parents were union members, and she had no strong philosophical objections to unions, *per se*. However, as the head of HR for the Hotel Paris, she did feel very strongly that her employer should do everything legally possible to remain union-free. She knew that this is what the hotel chain's owners and top executives wanted, and that achieving their strategic goals would be best accomplished by

§ Written and copyrighted by Gary Dessler, PhD.

staying union-free. Furthermore, the evidence seemed to support their position. At least one study that she'd seen concluded that firms with 30% or more of their eligible workers in unions were in the bottom 10% in terms of performance, while those with 8% to 9% of eligible workers in unions scored in the top 10%.¹¹⁶ The problem was that the Hotel Paris really had no specific policies and procedures in place to help its managers and supervisors deal with union activities. With all the laws regarding what employers and their managers could and could not do to respond to a union's efforts, Lisa knew her company was "a problem waiting to happen." She turned her attention to deciding what steps she and her team should take with regard to labor relations and collective bargaining.

Lisa and the CFO knew that unionization was a growing reality for the Hotel Paris. Some of the hotel chain's U.S. employees were already unionized, and unions in this industry were quite active. For example, as they were surfing the Internet to better gauge the situation, Lisa and the CFO came across the Web site from the Hotel Employees Restaurant Union, Local 26. It describes their success in negotiating a contract at several local hotels including ones managed by the Westin and Hilton chains. The CFO and Lisa agreed that it was important that she and her team develop and institute a new set of policies and practices that would enable the Hotel Paris to deal more effectively with unions.

Together with a labor-management attorney, the team developed a 20-page "What You Need to Know When the Union Calls" manual for Hotel Paris managers and supervisors. This contained three sets of information. First, it provided a succinct outline of *labor relations*

law, particularly as it relates to the company's managers. Second, it laid out a *detailed set of guidelines* regarding what supervisors could and could not do with respect to union-organizing activities. Third, it identified all line supervisors as the company's "*front-line eyes and ears*" with respect to union organizing activity. Here, the manual provided examples of activities that might suggest that a union was trying to organize the hotel's employees, and whom the supervisor should notify.

Lisa and her team also decided to ensure that the company was responsive to its employees' concerns. Lisa and her team believed that many of the steps they'd taken earlier should help. For example, improving salaries and wages, providing financial incentives, and instituting the new ethics, justice, and fairness programs already seemed to be having a measurable effect on employee morale.

Questions

- 15-17.** List and briefly describe what you believe are the three most important steps Hotel Paris management can take now to reduce the likelihood unions will organize more of its employees.
- 15-18.** Write a detailed two-page outline for a "What You Need to Know When the Union Calls" manual. Lisa will distribute this manual to her company's supervisors and managers, telling them what they need to know about looking out for possible unionizing activity, and how to handle actual organizing process-related supervisory tasks.

MyLab Management

Go to www.pearson.com/mylab/management for Auto-graded writing questions as well as the following Assisted-graded writing questions:

- 15-19.** Describe important tactics you would expect the union to use during the union drive and election.
- 15-20.** Why, would you say, workers join unions, and what would you as a manager do to make it less likely your employees would want to join a union at your workplace?
- 15-21.** MyLab Management only—comprehensive writing assignment for this chapter.

PERSONAL INVENTORY ASSESSMENTS



Go to www.pearson.com/mylab/management to complete the Personal Inventory Assessment related to this chapter.

Key Terms

closed shop, 487
union shop, 487
agency shop, 487
preferential shop, 487
right to work, 487
Norris-LaGuardia Act of 1932, 488
National Labor Relations (or Wagner) Act, 488
National Labor Relations Board (NLRB), 488

Taft-Hartley Act of 1947, 490
national emergency strikes, 491
Landrum-Griffin Act of 1959, 491
union salting, 492
authorization cards, 492
bargaining unit, 494
decertification, 497
collective bargaining, 498
good faith bargaining, 498
voluntary (or permissible) bargaining items, 500

illegal bargaining items, 500
mandatory bargaining items, 500
impasse, 501
mediation, 501
fact finder, 501
arbitration, 501
interest arbitration, 501
rights arbitration, 501
strike, 502
economic strike, 502
unfair labor practice strike, 502

wildcat strike, 502
sympathy strike, 502
picketing, 503
corporate campaign, 504
boycott, 504
inside games, 504
lockout, 504
injunction, 504
grievance procedure, 505

Endnotes

1. <https://www.cnbc.com/2018/01/11/walmart-to-boost-starting-wage-give-employees-bonus-after-tax-bill.html>, accessed January 11, 2018.
2. For example, see <http://articles.moneycentral.msn.com/Investing/Extra/CostcoTheAntiWalMart.aspx?page=1>, accessed June 29, 2011; and Hamilton Nolan, "The Anti-Wal-Mart," <http://gawker.com/costco-the-anti-wal-mart-511739135>, accessed August 7, 2013.
3. Steven Greenhouse, "Share of the Workforce in a Union Falls to a 97 Year Low, 11.3%," *The New York Times*, January 24, 2013, B1; <https://www.bls.gov/news.release/union2.nr0.htm>, accessed January 9, 2017.
4. <https://www.bls.gov/news.release/union2.t05.htm>, accessed June 11, 2018. And increasingly unions are organizing workers at tech and new media firms like Facebook and salon.com. Lukas Alpert, "Labor Unions Move into New Media as Investors Circle," *The Wall Street Journal*, August 30, 2015, p. B6.
5. Michael Ash and Jean Seago, "The Effect of Registered Nurses' Unions on Heart Attack Mortality," *Industrial and Labor Relations Review* 57, no. 3 (April 2004), pp. 422–442.
6. Source: Hamilton Nolan, "The Anti-Wal-Mart," <http://gawker.com/costco-the-anti-wal-mart-511739135>, accessed August 7, 2013; <http://articles.moneycentral.msn.com/Investing/Extra/CostcoTheAntiWalMart.aspx?page=1>; Dale Busha, "A Look at Walmart's HR Strategy from the Inside Out: Would It Work for Your Company?" *chiefexecutive.net*, May 8, 2016; Lauren Thomas and Courtney Reagan, "Walmart to Raise Its Starting Wage to \$11, Give Some Employees Bonuses Following Tax Bill Passage," www.CNBC.com/2018/01/11; Leslie Picker and Rachel Abrams, "Walmart Rewrites Its e-Commerce Strategy with \$3.3 Billion Deal for jet.com," www.NYTimes.com/2016/08/09/; all accessed January 11, 2018; <https://blog.walmart.com/business/20160919/five-big-reasons-walmart-bought-jetcom>, accessed June 11, 2018.
7. <https://stats.bls.gov/cps/cpsaat43.pdf>, accessed January 9, 2017.
8. "Union Benefit Costs Prevailing," *Bloomberg BNA Bulletin to Management*, May 14, 2013, p. 156.
9. Kris Maher, "The New Union Worker," *The Wall Street Journal*, September 27, 2005, pp. B1, B11.
10. Robert Grossman, "Unions Follow Suit," *HR Magazine*, May 2005, p. 49.
11. Not surprisingly, the big questions facing employees are whether the union can be helpful in getting the workers what they want, and the likelihood that collective action will succeed. M. Teresa Cardador et al., "To Be or Not to Be Unionized? A Social Dilemma Perspective on Worker Decisions to Support Union Organizing," *Human Resource Management Review*, 27, no. 3 (September 2017), p. 559.
12. Warner Pflug, *The UAW in Pictures* (Detroit: Wayne State University Press, 1971), pp. 11–12.
13. Josh Eidelson, "What Do We Want? Uber Union," *Bloomberg Businessweek*, October 31, 2016, pp. 33–34. Unions are still far from unanimous about how to handle gig worker unions, but are working with legislatures to find solutions. See, for example, Chris Opfer, "Gig Worker Organizers Still Looking for a Roadmap," *Bloomberg Labor & Employment on Bloomberg Law*, May 26, 2017.
14. Eidelson, "What Do We Want? Uber Union." Other cities are moving to let drivers from companies like Uber and Lyft organize. For example, the Seattle City Council approved a bill that, if passed, would let drivers form unions, and in California the group California App-Based Drivers Association has pushed for legislation allowing drivers to organize. Nick Wingfield and Mike Isaac, "Seattle Will Allow Uber and Lyft Drivers to Form Unions," *The New York Times*, www.NYTimes.com/2015/12/15/technology/ December 14, 2015, accessed January 8, 2017; Dennis Romero, "Uber Drivers Team Up with Teamsters Union," *LA Weekly*, August 28, 2014, <http://www.laweekly.com/news/uber-drivers-team-up-with-teamsters-union-5040562>, accessed June 14, 2018.
15. "Employee Engagement: A New Union Avoidance Strategy," June 28, 2011, [www.modernsurvey.com](http://modernsurvey.com), accessed April 12, 2014.
16. This is based on Jessica Tyler, "Employee Engagement and Labor Relations," *Gallup Business Journal*. <http://businessJournal.Gallup.com>, accessed April 9, 2014.
17. Arthur Sloane and Fred Witney, *Labor Relations* (Upper Saddle River, NJ: Prentice Hall, 2007), pp. 335–336.
18. Benjamin Taylor and Fred Witney, *Labor Relations Law* (Upper Saddle River, NJ: Prentice Hall, 1992), pp. 170–171; www.dol.gov/whd/state/righttowork.htm, accessed June 5, 2010.
19. <http://www.ncsl.org/research/labor-and-employment/right-to-work-laws-and-bills.aspx>, accessed June 11, 2018.
20. "Research Inconclusive About Effective Right to Work on Economy," *Bloomberg BNA Bulletin to Management*, January 8, 2013, p. 14.
21. "Unions Hit Hard by Job Losses, Right to Work," *Daily Oklahoman* (via *Knight Ridder/Tribune Business News*), February 1, 2005. See also www.dol.gov/whd/state/righttowork.htm, accessed September 11, 2014.
22. www.seiu.org/our-union/, accessed June 1, 2011.
23. Steven Greenhouse, "4th Union Quits AFL-CIO in a Dispute Over Organizing," *The New York Times*, September 15, 2005, p. A14.
24. Some trace early U.S. labor relations legislation back to a fire at the Triangle Shirtwaist factory in 1911. Following that tragedy, New York City and New York State soon adopted 36 new laws, and many view these laws as the basis for and precursor to the U.S. labor legislation efforts that began in earnest in the 1930s. "The Birth of the New Deal," *The Economist*, March 19, 2011, p. 39.
25. The following material is based on Sloane and Witney, *Labor Relations*, pp. 46–124.
26. Michael Carrell and Christina Heavrin, *Labor Relations and Collective Bargaining* (Upper Saddle River, NJ: Prentice Hall, 2004), p. 7. The word *union* doesn't appear in the National Labor Relations Act, which just refers to "labor organizations." Many unions, such as the Fraternal Order of Police, don't have "union" in their names. Similarly, workers can "organize" without forming a union. In one case employees of a car wash formed a workers' committee and sent a letter to their employer requesting better treatment. The employer reacted by terminating their employment. Federal labor law prohibits employers from retaliating against workers who band together to try to improve their working conditions. Under pressure from the NLRB the employer reinstated the employees, paid their back wages, and improved the workers' treatment and working conditions. Steven Greenhouse, "Workers Organize, but Don't Unionize, to Get Protection Under Labor Law," *The New York Times*, September 7, 2015, pp. B1, B4.
27. <https://www.bls.gov/news.release/union2.t05.htm>, accessed June 11, 2018.
28. Carrell and Heavrin, *Labor Relations and Collective Bargaining*, p. 180.
29. Sloane and Witney, *Labor Relations*, p. 121.
30. For organizing examples from the unions' point of view, see www.twu.org/international/steps, accessed June 29, 2011; www.opeiu.org/NeedAUunion/StepstoCreatingaUnionWorkplace/tabid/71/Default.aspx, accessed June 29, 2011; and particularly <http://ufcwone.org/steps-form-union>, accessed August 7, 2013.
31. Kris Maher, "Unions' New Foe: Consultants," *The Wall Street Journal*, August 15, 2005, p. B1.
32. "Some Say Salting Leaves Bitter Taste for Employers," *BNA Bulletin to Management*, March 4, 2004, p. 79; www.nlrb.gov/global/search/index.aspx?mode=s&qt=salting&col=nlrb&gb=y, accessed January 14, 2008. For a management lawyer's perspective, see www.fklaborlaw.com/union_salt-objectives.html, accessed May 25, 2007.
33. "Spurned Union Salts Entitled to Back Pay, D.C. Court Says, Affirming Labor Board," *BNA Bulletin to Management*, June 21, 2001, p. 193.
34. D. Diane Hatch and James Hall, "Salting Cases Clarified by NLRB," *Workforce*, August 2000, p. 92. See also www.fklaborlaw.com/union_salt-objectives.html, accessed May 25, 2007.
35. Josh Eidelson, "Workers of Silicon Valley Unite!" *Bloomberg Businessweek*, September 18, 2017, pp. 22–24.
36. <http://www.laborandcollective-bargaining.com/2014/11/articles/unions-and-organizing/unions-winning-more-elections-but-facing-diminishing-returns/>, accessed September 20, 2015.
37. This section is based on Matthew Goodfellow, "How to Lose an NLRB Election," *Personnel Administrator* 23 (September 1976), pp. 40–44. See also Matthew Goodfellow, "Avoid Unionizing: Chemical Company Union Election Results for 1993," *Chemical Marketing Reporter* 246 (July 18, 1994), p. SR14; Gillian Flynn, "When the Unions Come Calling," *Workforce*, November 2000, pp. 82–87.

38. Ibid.
39. Ibid.
40. Harry Katz, "The Decentralization of Collective Bargaining: A Literature Review and Comparative Analysis," *Industrial and Labor Relations Review* 47, no. 1 (October 1993), p. 11; F. Traxler, "Bargaining (De)centralization, Macroeconomic Performance and Control over the Employment Relationship," *British Journal of Industrial Relations* 41, no. 1 (March 2003), pp. 1–27.
41. The following are adapted and/or quoted from Kate Bronfenbrenner, "The Role of Union Strategies in NLRB Certification Elections," *Industrial and Labor Relations Review* 50 (January 1997), pp. 195–212; see also J. Fiorito et al., "Understanding Organising Activity Among US National Unions," *Industrial Relations Journal* 41, no. 1 (January 2010), pp. 74–92.
42. Stephen Greenhouse, "Union Gets New Election at a Target," *The New York Times*, May 22, 2012, B3.
43. Frederick Sullivan, "Limiting Union Organizing Activity Through Supervisors," *Personnel* 55 (July/August 1978), pp. 55–65. See also Edward Young and William Levy, "Responding to a Union-Organizing Campaign: Do You and Your Supervisors Know the Legal Boundaries in a Union Campaign?" *Franchising World* 39, no. 3 (March 2007), pp. 45–49.
44. www.hreonline.com/HRE/view/story.jhtml?id=534358235, accessed April 25, 2015.
45. Carrell and Heavrin, *Labor Relations and Collective Bargaining*, pp. 167–168.
46. Jonathan Segal, "Unshackle Your Supervisors to Stay Union Free," *HR Magazine*, June 1998, pp. 62–65. See also www.nlrb.gov/rights-we-protect/employerunion-rights-and-obligations, accessed September 11, 2014.
47. Whether employers must give union representatives permission to organize on employer-owned property at shopping malls is a matter of legal debate. See, for example, "Union Access to Employer's Customers Restricted," *BNA Bulletin to Management*, February 15, 1996, p. 49; "Workplace Access for Unions Hinges on Legal Issues," *BNA Bulletin to Management*, April 11, 1996, p. 113.
48. "Union Access to Employer's Customers Restricted," pp. 4–65. The appropriateness of these sample rules may be affected by factors unique to an employer's operation, and they should therefore be reviewed by the employer's attorney before implementation.
49. <https://www.bna.com/nlrb-conducted-elections-n57982068022/>, accessed January 10, 2017.
50. Carrell and Heavrin, *Labor Relations and Collective Bargaining*, pp. 120–121.
51. See, for example, David Meyer and Trevor Bain, "Union Decertification Election Outcomes: Bargaining Unit Characteristics and Union Resources," *Journal of Labor Research* 15, no. 2 (Spring 1994), pp. 117–136; Sloane and Witney, *Labor Relations*, p. 96.
52. Based on Nick Wingfield and Melissa Eddy, "In Germany, Union Culture Clashes with Amazon's Labor Practices," *The New York Times*, August 5, 2013, pp. B1, B4.
53. Mimosa Spencer and Jeanne Whalen, "Change France? Sanofi Finds It Can't," *The Wall Street Journal*, April 11, 2013, pp. B1, D5.
54. Ibid., B1. Similarly, workers in Germany are resisting what they call Amazon's American-style business practices. Nick Wingfield and Melissa Eddy, "In Germany, Union Culture Clashes with Amazons' Labor Practices," *The New York Times*, August 5, 2013, pp. B1, B4.
55. www.nlrb.gov/nlrb/shared_files/brochures/basicguide.pdf, accessed January 14, 2008.
56. Carrell and Heavrin, *Labor Relations and Collective Bargaining*, pp. 176–177.
57. www.bloomberg.com/news/2011-02-14/nfl-files-unfair-labor-practice-charges-against-union.html, accessed June 1, 2011.
58. John Fossum, *Labor Relations* (Dallas: BPI, 1982), pp. 246–250; Sloane and Witney, *Labor Relations*, pp. 197–205.
59. *Bouluwareism* is the name given to a strategy, now held in disfavor, by which the company, based on an exhaustive study of what it believed its employees wanted, made but one offer at the bargaining table and then refused to bargain any further unless convinced by the union on the basis of new facts that its original position was wrong. Fossum, *Labor Relations*, p. 267.
60. Kathryn Tyler, "Good-Faith Bargaining," *HR Magazine*, January 2005, p. 52.
61. These are based on James C. Freund, *Smart Negotiating* (New York: Simon & Schuster, 1992), pp. 42–46.
62. Freund, *Smart Negotiating*, pp. 42–46.
63. Ibid., 33. One interesting observation: Communicating threats is more effective than communicating anger. See Marwan Sineeure et al., "Hot or Cold: Is Communicating Anger or Threats More Effective in Negotiation?" *Journal of Applied Psychology* 96, no. 5 (2011), pp. 1019–1032.
64. Reed Richardson, *Collective Bargaining by Objectives* (Upper Saddle River, NJ: Prentice Hall, 1977), p. 150. Both sides will try to manipulate the media to jockey for better positions; for example, see J. McCafferty, "Labor-Management Dispute Resolution and the Media," *Dispute Resolution Journal* 56, no. 3 (August/October 2001), pp. 40–47.
65. Many negotiators pride themselves on being open, honest, and straightforward in their negotiations, but at least one study suggests that this can lead to excessive concessions. D. Scott DeRue et al., "When Is Straightforwardness a Liability in Negotiations? The Role of Integrative Potential and Structural Power," *Journal of Applied Psychology* 94, no. 4 (2009), pp. 1032–1047.
66. Tori Walker, "Polk School District Reaches Impasse with Unions," January 6, 2017, <http://www.theledger.com/news/20170106/polk-school-district-reaches-impasse-with-unions>, accessed January 10, 2017.
67. With or without reaching a solution, impasses and union-management conflict can leave union members demoralized. See, for example, Jessica Marquez, "Taking Flight," *Workforce*, June 9, 2008, pp. 1, 18.
68. Jacqueline Palank et al., "Last Chance to Save the Twinkie," *The Wall Street Journal*, November 20, 2012, p. B1.
69. Fossum, *Labor Relations*, p. 312.
70. Carrell and Heavrin, *Labor Relations and Collective Bargaining*, p. 501.
71. Alternative Dispute Resolution (ADR), <http://www.va.gov/ADR/Impasse.asp>, accessed January 10, 2017.
72. http://fmcs.gov/assets/files/annual%20reports/FY2006_Annual_Report.pdf, accessed January 14, 2008.
73. Fossum, *Labor Relations*, p. 317.
74. [www.autoblog.com/2010/12/06/report-uaw-to-hold-sympathy-strike-for-hyundai-workers-in-korea/](http://autoblog.com/2010/12/06/report-uaw-to-hold-sympathy-strike-for-hyundai-workers-in-korea/), accessed June 1, 2011.
75. Amie Tsang, "Ryanair Hit by Its First Pilot Strike, Days After Collapse of Union Talks," *The New York Times*, December 23, 2017, p. B3.
76. This is based on Sloane and Witney, *Labor Relations*, p. 213.
77. <http://fuelfix.com/blog/2015/02/18/strike-update-bp-training-additional-replacement-workers/>
- #30249101=0, accessed July 24, 2015.
78. <http://profootballtalk.nbcsports.com/2011/03/21/league-doesn-t-rule-out-replacement-players-during-lockout/>, accessed June 29, 2011.
79. See, for example, [www.afimac-us.com/what-we-do/labor-disputes-and-plant-closures/strike-security/](http://afimac-us.com/what-we-do/labor-disputes-and-plant-closures/strike-security/), accessed April 11, 2014.
80. Stephen Cabot and Gerald Cuerton, "Labor Disputes and Strikes: Be Prepared," *Personnel Journal* 60 (February 1981), pp. 121–126. See also Brenda Sunoo, "Managing Strikes, Minimizing Loss," *Personnel Journal* 74, no. 1 (January 1995), p. 50ff.
81. Some labor lawyers report an increase in the use by unions of corporate campaigns. Janet Walthall, "Unions Increasingly Using Corporate Campaigns," *Bloomberg BNA Bulletin to Management*, February 16, 2010, p. 55.
82. For a discussion, see Herbert Northrup, "Union Corporate Campaigns and Inside Games as a Strike Form," *Employee Relations Law Journal* 19, no. 4 (Spring 1994), pp. 507–549.
83. www.blogging4jobs.com/wp-content/uploads/2012/02/unions-social-media.png, accessed April 25, 2015.
84. www.bna.com/social-media-new-b17179923064/, accessed April 25, 2015.
85. www.starbusunion.org, accessed August 7, 2013.
86. www.hreonline.com/HRE/view/story.jhtml?id=534358235, accessed April 25, 2015.
87. Northrup, "Union Corporate Campaigns and Inside Games," p. 513.
88. Ibid., p. 518.
89. James Hagerty and Caroline Van Hasselt, "Lockout Tests Union's Clout," *The Wall Street Journal*, January 30, 2012, p. B-1.
90. Jon Ostrower, "Boeing Considers Nonunion Plant for 777X," *The Wall Street Journal*, October 20, 2013, p. B3; Jon Ostrower, "Boeing Prods Unions on Pact," *The Wall Street Journal*, November 9–10, 2013, p. B3.
91. Clifford Koen Jr., Sondra Hartman, and Dinah Payne, "The NLRB Wields a Rejuvenated Weapon," *Personnel Journal*, December 1996, pp. 85–87; D. Silverman, "The NLRA at 70: A New Approach to Processing 10(j)s [NLRA at Seventy conference in New York City, 2005]," *Labor Law Journal* 56, no. 3 (Fall 2005), pp. 203–206.
92. <http://sports.espn.go.com/nfl/news/story?id=4508545>, accessed November 17, 2009.

93. Carrell and Heavrin, *Labor Relations and Collective Bargaining*, pp. 417–418.
94. Richardson, *Collective Bargaining by Objectives*.
95. Based on M. Gene Newport, *Supervisory Management* (St. Paul, MN: West Group, 1976), p. 273; see also Walter Baer, *Grievance Handling: 101 Guides for Supervisors* (New York: American Management Association, 1970); and Mark Lurie, “The Eight Essential Steps in Grievance Processing,” *Dispute Resolution Journal* 54, no. 4 (November 1999), pp. 61–65.
96. <https://www.bls.gov/news.release/union2.nr0.htm>, accessed January 9, 2017.
97. Susan Carey and Jack Nicas, “AMR Will Ask the Judge to Toss Labor Pacts,” *The Wall Street Journal*, March 23, 2012, p. B3.
98. Kris Maher and Jacqueline Palank, “Patriot Coal Allowed to Win Union PACs,” *The Wall Street Journal*, May 30, 2013, p. B1.
99. www.bls.gov/news.release/union2.nr0.htm, accessed April 2, 2009.
100. <http://www.changetowin.org/about-us/> accessed January 9, 2018.
101. <https://aflcio.org/>, accessed January 9, 2018.
102. Matthew Sedacca, “Labor Unions Gain Foothold at News Sites,” *The New York Times*, December 27, 2017, pp. B1, B2.
103. Ibid.
104. Steven Greenhouse, “At a Nissan Plant in Mississippi, a Battle to Shape the UAW’s Future,” *The New York Times*, October 7, 2013, pp. B1, B3.
105. Neal Boudette, “A New Alliance: UAW in Germany,” *The Wall Street Journal*, November 8, 2013, pp. B1, B2.
106. www.littler.com/publication-press/publication/nlrb-issues-its-long-anticipated-quickie-election-rule-making-union-or, accessed April 25, 2015.
107. Ibid.
108. Eric Morath, “Trump to Nominate Attorney William Emanuel to National Labor Relations Board,” *The Wall Street Journal*, June 28, 2017, www.wsj.com/articles/trump-to-nominate-attorney-william-emmanuel-to-national-labor-relations-board-1498650169, accessed June 28, 2017.
109. David Jamieson, “Republicans Want to Pass a National Right To Work Law,” https://www.huffingtonpost.com/entry/republicans-pursue-national-right-to-work-law-while-they-hold-the-reins-in-washington_us_5891fb30e4b0522c7d3e354d, accessed June 11, 2018.
110. Carrell and Heavrin, *Labor Relations and Collective Bargaining*, pp. 62–63.
111. Carol Gill, “Union Impact on the Effective Adoption of High Performance Work Practices,” *Human Resource Management Review* 19 (2009), pp. 39–50.
112. See also Thomas Kochan, “A Jobs Compact for America’s Future,” *Harvard Business Review*, March 2012, pp. 64–70.
113. © Gary Dessler, PhD. For information on what employers should not do, see www.nlrb.gov/rights-we-protect/whats-law/employers/interfering-employee-rights-section-7-8a1, accessed January 16, 2018.
114. Ibid.
115. Copyright Gary Dessler, PhD. Sources for this case include Matthew Sedacca, “Labor Unions Gain Foothold at News Sites,” *The New York Times*, December 27, 2017, pp. B1, B2; Lucas Alpert and Shalini Ramachandran, “Vice Media Secures \$450 Million Investment from Private Equity Firm TPG,” www.WSJ.com/articles, accessed January 11, 2018; Matthew Ingram, “Vice Media Joins The Waiver Unionization Rolling over New-Media Companies,” *Fortune.com*, accessed January 11, 2018; Gary Weiss, “An Unlikely Big Player in Digital Media: Unions,” *Columbia Journalism Review*, www.CJR.org/, accessed January 11, 2018; Noah Kulwin, “vice media is the Second Big Digital Publisher to Unionize,” <https://www.recode.net/2016/4/15/11586166/vice-media-union-contract>, accessed June 11, 2018; Dave McNary, “Vice Media Video Employees Unionize with Writers Guild East and Editors Guild,” <http://variety.com>, accessed January 11, 2018; Maxwell Tani, “Fox Media Voluntarily Recognizes Employee Editorial Union,” www.businessinsider.com, accessed January 11, 2018.
116. Brian Becker et al., *The HR Scorecard* (Boston: Harvard Business School Press, 2001), p. 16.



Breck P. Kent/Shutterstock

16

Safety, Health, and Risk Management

LEARNING OBJECTIVES

When you finish studying this chapter, you should be able to:

- 16-1** Explain the supervisor's role in safety.
- 16-2** Explain the basic facts about safety law and OSHA.
- 16-3** Answer the question, "What causes accidents?"
- 16-4** List and explain five ways to prevent accidents at work.
- 16-5** Describe how one company uses employee engagement to improve workplace safety.
- 16-6** List five workplace health hazards and how to deal with them.
- 16-7** Discuss the prerequisites for a security plan and how to set up a basic security program.



When it comes to safety strategy, the explosion and fire on British Petroleum's (BP's) Deepwater Horizon rig in the Gulf of Mexico back in 2010 still epitomizes what can go wrong. The blast took the lives of 11 workers.² Reports from the scene said a malfunctioning blowout preventer failed to activate, causing the disaster. Past critics of BP's safety practices weren't so sure.

WHERE ARE WE NOW . . .

Over 80% of the workers in one survey ranked workplace safety more important than minimum wages, sick days, and maternity leave.¹ The main purpose of this chapter is to provide you with knowledge managers need to reduce workplace safety and health problems. The main topics we discuss are **Safety and the Manager**, **Manager's Briefing on Occupational Safety Law**, **What Causes Accidents**, **How to Prevent Accidents**, **Employee Engagement-Based Safety Programs**, **Workplace Health Hazards—Problems and Remedies**, and **Occupational Security and Risk Management**.

LEARNING OBJECTIVE 16-1

Explain the supervisor's role in safety.

Introduction: Safety and the Manager

Why Safety Is Important

Several years ago while filming *Star Wars/The Force Awakens*, a hydraulic door on the Millennium Falcon spaceship slammed Harrison Ford. He couldn't work for several weeks, but thankfully wasn't injured seriously.³

Safety and accident prevention concern managers for several reasons, one of which is the staggering number of workplace accidents. For example, in one recent year, at least 5,190 people died at work, up from about 4,800 the year before.⁴ Workplace accidents caused about 2.9 million occupational injuries and illnesses.⁵

Such figures probably underestimate injuries and illnesses by two or three times.⁶ And they ignore the suffering the accidents cause the employee and his or her loved ones.⁷ Safety also affects costs and profits, as the accompanying Profit Center feature illustrates.



IMPROVING PERFORMANCE: HR AS A PROFIT CENTER

Improving Safety Boosts Profits

Many people assume that when employers economize on safety programs the money they save improves profits, but that's not the case. For one thing, poor safety practices raise wage rates, because wage rates are higher on jobs with riskier working conditions, other things equal.⁸ And poor safety and the injuries and illnesses it begets actually drive up costs, including medical expenses, workers' compensation, and lost productivity.⁹

Consider the evidence. One study found a 9.4% drop in injury claims and a 26% average savings on workers' compensation costs over 4 years in companies inspected by California's occupational safety and health agency.¹⁰ A survey of chief financial officers concluded that for every one dollar invested in injury prevention, the employer earns two dollars; 40% said "productivity" was the top benefit of effective workplace safety.¹¹ One forest products company saved over \$1 million over 5 years by investing only about \$50,000 in safety improvements and employee training. In the United States, work-related hearing loss costs employers about \$242 million a year in workers' compensation claims alone, costs that are probably avoidable through earmuffs, earplugs, and training.¹² So one of the easiest ways to cut costs and boost profits is to spend money improving safety. ■

MyLab Management Talk About It 1

If your professor has assigned this, go to the Assignments section of [www.pearson.com/mylab/management](http://www.pearson.com/mylab/) to complete this discussion question. Assuming this is true, why do so many employers apparently cut corners on safety?



Injuries aren't just a problem in dangerous industries like construction. For example, computers contribute to airtight "sick building" symptoms like headaches. And office work is susceptible to problems like repetitive trauma injuries.

Top Management's Role in Safety

Several years ago an energy company's CEO was convicted over the deaths of 29 workers in a coal mine.¹³ His conviction highlights the fact that the people at the top—the CEO, president, and board members—must set the tone for occupational safety.¹⁴

We will see that reducing accidents often boils down to reducing accident-causing conditions and accident-causing acts. However, telling employees to "work safely" is futile unless everyone knows management takes safety seriously.¹⁵ Historically, for instance, Milliken & Company's accident rate has been lower than that of the chemical industry as a whole. Its safety record largely reflects Milliken's organizational commitment to safety, as reflected in this quote from a Milliken company blog:

We've all heard the saying, "lead by example," and when it comes to creating a successful safety culture, this saying still rings true. In fact, the tone for safety is usually set from the top. Moving safety from "just another program" to an uncompromised value within the organization that everyone respects and follows will ensure its success.¹⁶

The Strategic Context feature further illustrates this.

■ IMPROVING PERFORMANCE: THE STRATEGIC CONTEXT

Deepwater Horizon

To critics of BP's safety practices, the Deepwater Horizon disaster in the Gulf wasn't just due to a malfunctioning blowout preventer.¹⁷ To them, rightly or wrongly, the accident reflected the fact that BP's corporate strategy had long emphasized cost-cutting and profitability at the expense of safety. For example, 5 years earlier, a report by the Chemical Safety Board blamed a huge blast at BP's Texas City, Texas, oil refinery on cost-cutting, and on a safety strategy that aimed to reduce accidents but left in place "unsafe and antiquated equipment." To that board and to some others who studied BP's safety practices, Deepwater was another example of how encouraging safe employee behavior must start at the top, and how top management's strategy can trump even earnest efforts to improve employee safety behaviors.¹⁸ A subsequent movie, *Deepwater Horizon*, depicts a BP executive, visiting the rig and annoyed by drilling delays, pressing the crew to ignore test results that in fact accurately showed the rig about to blow.

MyLab Management Talk About It 2

If your professor has assigned this, go to the Assignments section of www.pearson.com/mylab/management to complete these discussion questions. How would you make the case to BP's management that boosting safety can actually support an "improve profits" strategy? What evidence could you offer?

In sum, employers should institutionalize their commitment with a safety policy, publicize it, and give safety matters high priority. Louisiana-Pacific Corp. starts all meetings with a brief safety message.¹⁹ Georgia-Pacific reduced its workers' compensation costs by requiring that managers halve accidents or forfeit 30% of their bonuses. ABB Inc. requires its top executives to make safety observation tours of the company's facilities, sites, and projects at least quarterly.²⁰

The Supervisor's Role in Accident Prevention

After inspecting a work site in which workers were installing sewer pipes in a 4-foot trench, the Occupational Safety & Health Administration (OSHA) inspector cited the employer for violating the OSHA rule requiring employers to have a "stairway, ladder, ramp or other safe means of egress."²¹ In the event the trench caved in, workers needed a quick way out.²²

As in most such cases, the employer had the primary responsibility for safety, but the local supervisor was responsible for day-to-day inspections. Here, the supervisor did not properly do his daily inspection. The trench did cave in, injuring workers (and, secondarily, costing his company many thousands of dollars).

Whether you're an IT department manager in a *Fortune* 500 company or managing an excavation or dry-cleaning store, daily safety inspections should be part of your routine. As one safety recommendation put it, "a daily walk-through of your workplace—whether you are working in outdoor construction, indoor manufacturing, or any place that poses safety challenges—is an essential part of your work."²³

What to look for depends on the workplace. For example, construction sites and dry-cleaning stores have hazards all their own. But in general, you can use a checklist of unsafe conditions such as the one in Figure 16-6 (pages 529–531) to spot problems. We present another, more extensive checklist in Figure 16-8 (pages 551–554) at the end of this chapter. (Note: Please stop what you are reading and look around where you are now: Can you list four potential safety hazards?)



LEARNING OBJECTIVE 16-2

Explain the basic facts about safety law and OSHA.

Manager's Briefing on Occupational Safety Law

Congress passed the **Occupational Safety and Health Act of 1970**²⁴ "to assure so far as possible every working man and woman in the nation safe and healthful working conditions and to preserve our human resources."²⁵ The only employers it

Occupational Safety and Health Act of 1970

The law passed by Congress in 1970 "to assure so far as possible every working man and woman in the nation safe and healthful working conditions and to preserve our human resources."

Occupational Safety and Health Administration (OSHA)

The agency created within the Department of Labor to set safety and health standards for almost all workers in the United States.

occupational illness

Any abnormal condition or disorder caused by exposure to environmental factors associated with employment.

FIGURE 16-1 OSHA Standards Example

Source: From Occupational Safety and Hazard Administration (OSHA). Retrieved from https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=9720.

doesn't cover are self-employed persons, farms in which only immediate members of the employer's family work, and some workplaces already protected by other federal agencies or under other statutes. The act covers federal agencies, but usually not state and local governments.

The act created the **Occupational Safety and Health Administration (OSHA)** within the Department of Labor. OSHA's basic purpose is to administer the act and to set and enforce the safety and health standards that apply to almost all workers in the United States. OSHA has about 2,200 inspectors working from branches around the country.²⁶ Its exact enforcement direction was recently in flux. However, OSHA and many employers continue to emphasize OSHA's cooperative programs, such as its Voluntary Protection Program (VPP). VPP exempts from routine inspections those employers who have OSHA-approved policies and programs *and* below-average injury and illness rates.²⁷

OSHA Standards and Record Keeping

OSHA operates under the "general" standard clause that each employer:

. . . shall furnish to each of his [or her] employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his [or her] employees.

To carry out this basic mission, OSHA promulgates detailed legally enforceable standards. (Employers also follow standards from the International Safety Equipment Association and from the American National Standards Institute).²⁸ Figure 16-1 shows part of the OSHA standard governing scaffold handrails.²⁹

The regulations don't just list standards to which employers should adhere, but "how." For example, OSHA's respiratory protection standard also covers employee training.

Under OSHA, employers with 11 or more employees must maintain records of and report certain occupational injuries and occupational illnesses. An **occupational illness** is any abnormal condition or disorder caused by exposure to environmental factors associated with employment. This includes acute and chronic illnesses caused by inhalation, absorption, ingestion, or direct contact with toxic substances or harmful agents.

WHAT THE EMPLOYER MUST REPORT Employers must report *all* occupational illnesses. As in Figure 16-2,³⁰ they must also report most occupational injuries, specifically those that result in medical treatment (other than first aid), loss of consciousness, restriction of work (one or more lost workdays), restriction of motion, or transfer to another job.³¹ If an on-the-job accident results in the death of an employee, all employers, regardless of size, must report the accident to the nearest OSHA office. If even one employee is hospitalized for inpatient treatment because of a work-related incident, the employer must notify OSHA within 24 hours.³²

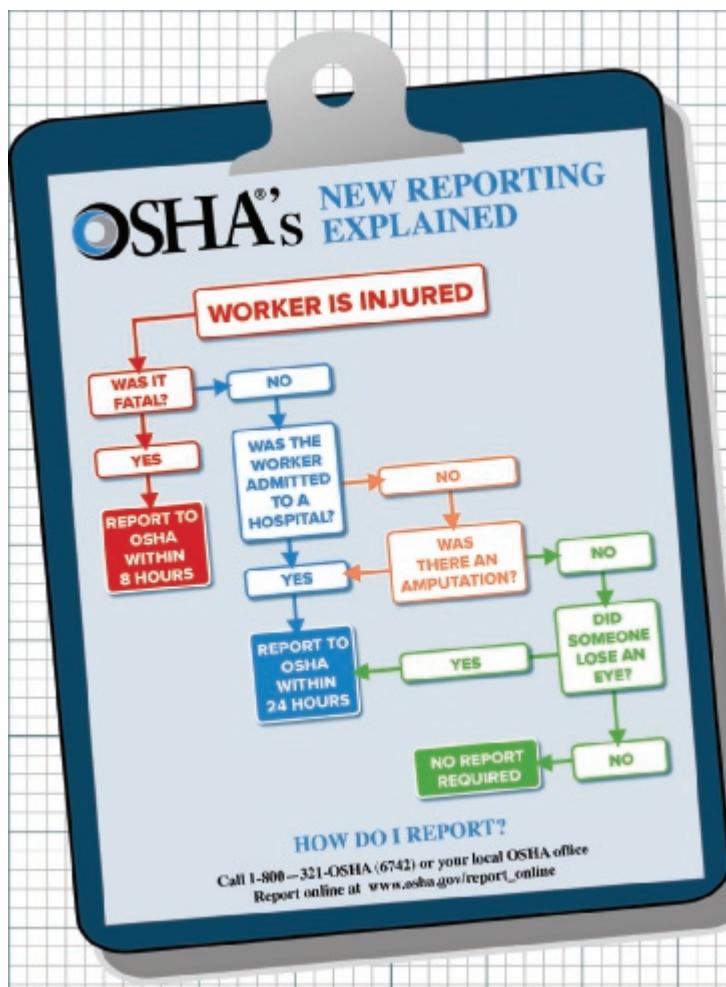
Similarly, OSHA's record-keeping requirements are broad.³³ Examples of recordable conditions include any work-related fatality, any work-related injury or illness that results in loss of consciousness, days away from work, restricted work, or transfer to another job, and any work-related injury or illness requiring medical treatment beyond first aid.

Figure 16-3 shows the OSHA form for reporting occupational injuries or illness.

Guardrails not less than 2" × 4" or the equivalent and not less than 36" or more than 42" high, with a midrail, when required, of a 1" × 4" lumber or equivalent, and toeboards, shall be installed at all open sides on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4" in height. Wire mesh shall be installed in accordance with paragraph [a] (17) of this section.

FIGURE 16-2 What Accidents Must Be Reported Under the Occupational Safety and Health Act (OSHA)?

Source: <https://www.osha.gov/recordkeeping2014/blog-OSHA-flow.pdf>.



Inspections and Citations

OSHA enforces its standards through inspections and (if necessary) citations. The inspection is usually unannounced. OSHA may not conduct warrantless inspections without an employer's consent. It may inspect with an authorized search warrant.³⁴ With a limited number of inspectors, OSHA has focused on "fair and effective enforcement," combined with outreach, education and compliance assistance, and OSHA–employer cooperative programs (such as its Voluntary Protection Programs).³⁵

INSPECTION PRIORITIES In inspections, OSHA takes a "worst-first" approach. Priorities include, from highest to lowest, imminent dangers, severe injuries and illnesses, worker complaints, referrals of hazards from other agencies, targeted high-hazard industries inspections, and follow-up inspections.³⁶ In one recent year, OSHA conducted about 32,400 inspections, and there were about 43,500 state inspections.³⁷ OSHA publicly posts employers' safety and health data in an effort to encourage safer practices.³⁸

OSHA conducts an inspection within 24 hours when a complaint indicates an immediate danger, and within 3 working days when a serious hazard exists. For a "nonserious" complaint filed in writing by a worker or a union, OSHA will respond within 20 working days. OSHA handles other nonserious complaints by writing to the employer and requesting corrective action. OSHA told almost 15,000 U.S. employers that because of their higher-than-average injury and illness rates, they may be subject to inspections.³⁹

THE INSPECTION The inspection begins when the OSHA officer arrives at the workplace.⁴⁰ He or she displays credentials and asks to meet an employer representative. (The credentials must include photograph and serial number.) The officer explains

 OSHA's FORM 301 Injury and Illness Incident Report		U.S. Department of labor Occupational Safety and Health Administration	
Attention: This form contains information relating to employee health and must be used in a manner that protects the confidentiality of employees to the extent possible while the information is being used for occupational safety and health purposes.			
Form approved OMB no. 1218-0176			
Information about the employee <p>This Injury and Illness Incident Report is one of the first forms you must fill out when a recordable work-related injury or illness has occurred. Together with the Log of Work-Related Injuries and Illnesses and the accompanying Summary, these forms help the employer and OSHA develop a picture of the extent and severity of work-related incidents.</p> <p>Within 7 calendar days after you receive information that a recordable work-related injury or illness has occurred, you must fill out this form or an equivalent. Some state workers' compensation, insurance, or other reports may be acceptable substitutes. To be considered an equivalent form, any substitute must contain all the information asked for on this form.</p> <p>According to Public Law 9-596 and 29 CFR 1904, OSHA's recordkeeping rule, you must keep this form on file for 5 years following the year to which it pertains.</p> <p>If you need additional copies of this form, you may photocopy and use as many as you need.</p>		Information about the case <p>1) Full name _____ 2) Street _____ City _____ State _____ ZIP _____ 3) Date of birth _____ / _____ / _____ 4) Date hired _____ / _____ / _____ 5) <input type="checkbox"/> Male <input type="checkbox"/> Female</p> <p>10) Case number from the Log _____ / _____ (Transfer the case number from the Log after you record the case.)</p> <p>11) Date of injury or illness _____ / _____ / _____ 12) Time employee began work _____ AM/PM 13) Time of event _____ AM/PM <input type="checkbox"/> Check if time cannot be determined</p> <p>14) What was the employee doing just before the incident occurred? Describe the activity, as well as the tools/equipment, or material the employee was using. Be specific. Examples: "climbing a ladder while carrying roofing materials"; "spraying chlorine from hand sprayer"; "daily computer key-entry."</p> <p>15) What happened? Tell us how the injury occurred. Examples: "When ladder slipped on wet floor, worker fell 20 feet"; "Worker was sprayed with chlorine when gasket broke during replacement"; "Worker developed soreness in wrist over time."</p> <p>16) What was the injury or illness? Tell us the part of the body that was affected and how it was affected; be more specific than "hurt," "pain," or "sore." Examples: "strained back"; "chemical burn, hand"; "carpal tunnel syndrome."</p> <p>17) What object or substance directly harmed the employee? Examples: "concrete floor"; "chlorine"; "radial arm saw." If this question does not apply to the incident, leave it blank.</p> <p>18) If the employee died, when did death occur? Date of death _____ / _____ / _____</p>	
Completed by Title _____ Phone (_____) _____ - _____ Date _____ / _____ / _____			

Public reporting burden for this collection of information is estimated to average 22 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Persons are not required to respond to the collection of information unless it displays a current valid OMB control number. If you have any comments about this estimate or any other aspects of this data collection, including suggestions for reducing this burden, contact: US Department of Labor, OSHA Office of Statistical Analysis, Room N-3644, 200 Constitution Avenue, NW, Washington, DC 20210. Do not send the completed forms to this office.

FIGURE 16-3 Form Used to Record Occupational Injuries and Illnesses

Source: U.S. Department of Labor.

the visit's purpose, the scope of the inspection, and the standards that apply. An authorized employee representative accompanies the officer during the inspection. The inspector can also stop and question workers (in private, if necessary). The act protects each employee from retaliation for exercising his or her whistleblower rights.⁴¹

OSHA inspectors look for all types of violations, but some areas grab more attention. The five most frequent OSHA inspection violations were for fall protection, hazard communication, scaffolding, respiratory protection, and lockout/tagout.⁴²

Finally, the inspector holds a closing conference with the employer's representative. Here the inspector discusses apparent violations for which OSHA may issue or recommend a **citation** and penalty. At this point, the employer can produce records to show compliance efforts. Figure 16-4 lists a manager's inspection guidelines.

OSHA provides a free On-Site Consultation Program, offering confidential occupational safety and health services to small- and medium-sized businesses. It uses safety experts from state agencies and is completely separate from the OSHA inspection effort; no citations are issued or penalties proposed.⁴³

PENALTIES OSHA can impose penalties. These generally range from \$5,000 up to \$150,000 for willful or repeat serious violations but can be far higher—\$13 million after a tragedy at BP's Texas City plant, for instance.⁴⁴ (The parties settle many OSHA cases before litigation, in “precitation settlements.”)⁴⁵ OSHA issues the citation and agreed-on penalties simultaneously, after the employer initiates negotiation settlements.⁴⁶ Nonserious violations may carry no penalties.

In general, OSHA calculates penalties based on the gravity of the violation, usually taking into consideration things like the size of the business, the firm's compliance history, and the employer's good faith (although not for willful violations).⁴⁷ OSHA must have a final order from the independent Occupational Safety and Health Review Commission to enforce a penalty.⁴⁸ An employer who files a notice of contest can drag out an appeal for years.⁴⁹ OSHA publicizes its inspection results online. Its Web

FIGURE 16-4 Manager's OSHA Inspection Guidelines

Source: Patricia Polle, “When OSHA Knocks,” *Occupational Hazards*, February 2008, pp. 59–61; Robert Grossman, “Handling Inspections: Tips From Insiders,” *HR Magazine*, October 1999, pp. 41–50; and “OSHA Inspections,” https://www.osha.gov/OshDoc/data_General_Facts/factsheet-inspections.pdf, accessed August 18, 2018

Initial Contact

- Refer the inspector to your OSHA coordinator.
- Check the inspector's credentials.
- Ask why he or she is inspecting. Is it a complaint? Programmed visit? Fatality or accident follow-up? Imminent danger investigation?
- If the inspection is the result of a complaint, the inspector won't identify the complainant, but you are entitled to know whether the person is a current employee.
- Notify your OSHA counsel, who should review all requests from the inspector for documents and information. Your counsel also should review the documents and information you provide to the inspector.

Opening Conference

- Establish the focus and scope of the planned inspection: Does the inspector want to inspect the premises or simply study your records?
- Discuss the procedures for protecting trade-secret areas, conducting employee interviews, and producing documents.
- Show the inspector that you have safety programs in place. He or she may not go to the work floor if paperwork is complete and up-to-date.

Walk-Around Inspection

- Accompany the inspector and take detailed notes.
- If the inspector takes a photo or video, you should too.
- Ask the inspector for duplicates of all physical samples and copies of all test results.
- Be helpful and cooperative, but don't volunteer information.
- To the extent possible, immediately correct any violation the inspector identifies.

site (www.osha.gov) provides easy access to most companies' (or competitors') OSHA enforcement history.⁵⁰

Responsibilities and Rights of Employers and Employees

Both employers and employees have responsibilities and rights under the Occupational Safety and Health Act. *Employers* are responsible for providing “a workplace free from recognized hazards,” for being familiar with mandatory OSHA standards, and for examining workplace conditions to make sure they conform to OSHA standards.⁵¹ Employers have the right to seek advice and off-site consultation from OSHA, request and receive proper identification of the OSHA compliance officer before inspection, and to be advised by the compliance officer of the reason for an inspection.

Employees also have rights and responsibilities, but OSHA can't cite them for violations of their responsibilities. Employees are responsible, for example, for complying with all applicable OSHA standards, for following all employer safety and health rules and regulations, and for reporting hazardous conditions to the supervisor. They have the right to demand safety and health on the job without fear of punishment. Retaliating against employees for reporting injuries or safety problems is illegal (see the OSHA safety poster in Figure 16-5).⁵²

DEALING WITH EMPLOYEE RESISTANCE Although employees are responsible to comply with OSHA standards, they often resist; the employer usually remains liable for any penalties. The refusal of some workers to wear hard hats typifies this problem.

Employers have attempted to defend themselves by citing worker intransigence. In most cases, courts still hold employers liable for workplace safety violations. The independent three-member Occupational Safety and Health Review Commission says employers must make “a diligent effort to discourage, by discipline if necessary, violations of safety rules by employees.”⁵³ Cited for a workplace injury, the employer may claim employee misconduct. The key here is to provide documented evidence that the employee was properly trained to do the job the right way but did not.⁵⁴ But the only sure way to eliminate liability is to make sure that no accidents occur.

Employees have rights and responsibilities under OSHA standards, such as to wear their hard hats, but OSHA can't cite them if they violate their responsibilities.



Polina Petrenko/Shutterstock

FIGURE 16-5 OSHA Safety Poster

Source: From Job Safety and Health: It's the Law! U.S. Department of Labor. www.osha.gov/Publications/osha3165.pdf, accessed September 9, 2018.

**TRENDS SHAPING HR: DIGITAL AND SOCIAL MEDIA****Sitedocs Digital Workplace Safety**

Safety compliance usually has been managed centrally, by human resource managers or by a specialized safety unit. However, new digital mobile device–based safety systems now give managers and even employees more influence over safety. For example, the SiteDocs digital safety management system lets the employer digitize, move, store, work with, and access safety documents via mobile devices (iPad) and the Web.⁵⁵ Employees can log in via the mobile device and view and complete their safety documentation (such as OSHA reports). These become available immediately to management. This enables management to monitor in real time whether employees are completing their documentation and to identify almost at once workplace hazards and incidents. ■

**LEARNING OBJECTIVE 16-3**

Answer the question, "What causes accidents?"

unsafe conditions

The mechanical and physical conditions that cause accidents.

What Causes Accidents?

There are three basic causes of workplace accidents: chance occurrences, unsafe conditions, and employees' unsafe acts. Chance occurrences (such as walking past a tree just when a branch falls) are more or less beyond management's control. We will therefore focus on unsafe conditions and unsafe acts.

What Causes Unsafe Conditions?

Unsafe conditions are a main cause of accidents. They include⁵⁶

- Improperly guarded equipment
- Defective equipment
- Hazardous procedures around machines or equipment

- Unsafe storage—congestion, overloading
- Improper illumination—glare, insufficient light
- Spills on floors
- Tripping hazards, such as blocked aisles
- Working from heights, including ladders and scaffolds
- Electrical hazards like frayed cords

The solution here is to identify and eliminate the unsafe conditions. The main purpose of OSHA standards is to address such mechanical and physical accident-causing conditions. The employer's safety department (if any) and its human resource managers and top managers should have responsibility for identifying unsafe conditions.

While accidents can happen anywhere, there's little mystery about where the worst ones occur:⁵⁷ around metal and woodworking machines and saws, transmission machinery (like gears), cutting machines, and conveyors. For example, when a conveyor with liquid chocolate suddenly started, it pulled in and mangled the arm of a worker who was cleaning it.⁵⁸

About one-third of industrial accidents occur around forklift trucks, wheelbarrows, and other handling and lifting areas. Construction accounts for a disproportionate share of accidents, with falls the major problem.⁵⁹

SAFETY SCHEDULES AND CLIMATE Work schedules and fatigue also affect accident rates. Accident rates usually don't increase too noticeably during the first 5 or 6 hours of the workday. But after that, the accident rate increases faster. This is due partly to fatigue and partly to the fact that accidents occur more often during night shifts. With reduced headcount and more people with second jobs, employee fatigue is a growing problem.⁶⁰ Many employers therefore take steps to reduce employee fatigue, such as banning mandatory overtime.

The workplace "climate" or psychology is very important. In one classic study in the 1990s, a researcher reviewed the fatal accidents offshore oil workers suffered in the British North Sea.⁶¹ A strong pressure to complete the work as quickly as possible, employees who are under stress, and a poor safety climate—for instance, supervisors who never mentioned safety—were some of the psychological conditions leading to accidents. Similarly, accidents occur more frequently in plants with high seasonal layoff rates, hostility among employees, many garnished wages, and blighted living conditions.

What Causes Unsafe Acts?

Unsafe employee acts (such as running) will undo your efforts to banish unsafe conditions, but there are no easy answers to what causes people to act unsafely.

There is no one explanation for why people behave unsafely. Sometimes the working conditions prompt unsafe acts, as with stressed-out oil rig workers. Sometimes employees don't get the required training, nor learn safe procedures.⁶²

One might assume that some people are just accident prone, but the research isn't clear.⁶³ On closer inspection some "accident repeaters" were just unlucky, or may have been more meticulous about reporting their accidents.⁶⁴ However, there is evidence that people who are impulsive, sensation seeking, extremely extroverted, less agreeable, and less conscientious (in terms of being less fastidious and dependable) do have more accidents.⁶⁵ (*Psychology Today* offers an accident-proneness test for about \$7.00).⁶⁶

Furthermore, someone accident prone on one job may not be so on another. For example, personality traits that correlate with filing vehicular insurance claims include *entitlement* ("think there's no reason they should not speed"), *impatience* ("were 'always in a hurry'"), *aggressiveness* ("the first to move when the light turns green"), and *distractibility* ("frequently distracted by cell phones, eating, and so on").⁶⁷



HR in Action at the Hotel Paris Lisa and the CFO reviewed their company's safety records, and what they found disturbed them deeply. In terms of every safety-related metric they could find, including accident costs per year, lost time due to accidents, workers' compensation per employee, and number of safety training programs per year, the Hotel Paris compared unfavorably with most other hotel chains and service firms. To see how they handled this, see the case on page 555 of this chapter.



LEARNING OBJECTIVE 16-4

List and explain five ways to prevent accidents at work.

How to Prevent Accidents

In practice, accident prevention boils down to reducing unsafe conditions and reducing unsafe acts. Larger firms generally have a chief safety officer (or “environmental health and safety officer”). But in smaller firms, managers, including those from human resources, plant managers, and first-line managers, share these responsibilities.

Small business safety can be particularly problematical: for example, owners might naively overlook crucial safety activities, such as chemical hazards training. There are no easy solutions. However, the firm’s HR manager should make sure top management (1) understands the potential problem, and (2) actively seeks solutions, such as having OSHA conduct a safety audit and make recommendations.⁶⁸

Reducing Unsafe Conditions

Reducing unsafe conditions (like those OSHA addresses) is the employer’s first line of defense. Safety engineers should design jobs to remove or reduce physical hazards. Supervisors play an important role. Checklists as in Figure 16-6 and Figure 16-8 (pages 529–531 and 551–554, respectively) can help identify and remove potential hazards.

Sometimes the solution for an unsafe condition is obvious, and sometimes it’s not. For example, obvious remedies for slippery floors include keeping them dry, floor mats, and better lighting. Perhaps less obviously, personal safety gear like slip-resistant footwear can also reduce falls. Cut-resistant gloves reduce the hazards of working with sharp objects.⁶⁹ (Hand injuries account for about 1 million emergency department visits annually by U.S. workers.)⁷⁰ Employees can use stop button devices to cut power to machines.⁷¹ *Lockout/tagout* is a formal procedure to disable equipment such as power saws, to avoid unexpected activation. It involves disarming the device and affixing a “disabled” tag to the equipment.⁷² For wearable digital devices such as motion monitors, the employer should determine the device’s usability and ascertain that it won’t cause unanticipated safety problems.⁷³

Reducing unsafe conditions is important in offices too.⁷⁴ For example, get written confirmation that the space meets all building codes; make sure the builder, contractors, and/or landlord follow OSHA standards (for instance, unblocked exits); make sure the lease lets you compel the landlord to fix safety problems; and make sure air ducts are cleaned.



TRENDS SHAPING HR: ROBOTS

With more employees working alongside robots, safety standards are evolving. For example, industrial robots have speed and separation monitoring and safety stops so humans can “hand” them parts without the robot arm hitting them.⁷⁵ Many of the new so-called cobots have digital screen faces with human characteristics. For example, one cobot “glances” in the direction when it’s about to pick something up, to forewarn its human “colleagues.”⁷⁶ ■

job hazard analysis

A systematic approach to identifying and eliminating workplace hazards before they occur.

JOB HAZARD ANALYSIS A Yale University science student, working late in a lab, was critically injured when her hair was caught in a spinning lathe. **Job hazard analysis** involves a systematic approach to identifying and eliminating such hazards before they cause accidents.⁷⁷

Consider a safety analyst looking at the Yale science lab, with the aim of identifying potential hazards. Performing a job hazard analysis here might involve looking at the situation and asking four questions:

- **What can go wrong?** A student’s hair or clothing could become caught in the lathe, a rotating object that “catches” it and pulls it into the machine.
- **What are the consequences?** The student could receive a severe injury as his or her body part or hair is caught and drawn into the spinning lathe.

FIGURE 16-6 Supervisor's Safety Checklist

Source: Office of the Chief Information Officer, United States Department of Commerce, http://ocio.os.doc.gov/s/groups/public/@doc/@os/@ocio/@oitpp/documents/content/dev01_002574.pdf, assessed October 15, 2013.

FORM CD-574 (9/02)			
U.S. Department of Commerce Office Safety Inspection Checklist for Supervisors and Program Managers			
Name:	Division:		
Location:	Date:		
Signature:			
<p>This checklist is intended as a guide to assist supervisors and program managers in conducting safety and health inspections of their work areas. It includes questions relating to general office safety, ergonomics, fire prevention, and electrical safety. Questions which receive a "NO" answer require corrective action. If you have questions or need assistance with resolving any problems, please contact your safety office. More information on office safety is available through the Department of Commerce Safety Office website at http://ohrm.doc.gov/safetyprogram/safety.htm.</p>			
Work Environment			
Yes	No	N/A	
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Are all work areas clean, sanitary, and orderly?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Is there adequate lighting?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Do noise levels appear high?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Is ventilation adequate?
Walking / Working Surfaces			
Yes	No	N/A	
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Are aisles and passages free of stored material that may present trip hazards?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Are tile floors in places like kitchens and bathrooms free of water and slippery substances?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Are carpet and throw rugs free of tears or trip hazards?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Are hand rails provided on all fixed stairways?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Are treads provided with anti-slip surfaces?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Are step ladders provided for reaching overhead storage areas and are materials stored safely?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Are file drawers kept closed when not in use?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Are passenger and freight elevators inspected annually and are the inspection certificates available for review on-site?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Are pits and floor openings covered or otherwise guarded?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Are standard guardrails provided wherever aisle or walkway surfaces are elevated more than 48 inches above any adjacent floor or the ground?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Is any furniture unsafe or defective?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Are objects covering heating and air conditioning vents?
Ergonomics			
Yes	No	N/A	
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Are employees advised of proper lifting techniques?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Are workstations configured to prevent common ergonomic problems? (Chair height allows employees' feet to rest flat on the ground with thighs parallel to the floor, top of computer screen is at or slightly below eye level, keyboard is at elbow height. Additional information on proper configuration of workstations is available through the Commerce Safety website at http://ohrm.doc.gov/safetyprogram/safety.htm)
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Are mechanical aids and equipment, such as; lifting devices, carts, dollies provided where needed?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Are employees surveyed annually on their ergonomic concerns?

(Continued)

FIGURE 16-6 *Continued*

FORM CD-574 (9/02)			
Emergency Information (Postings)			
Yes	No	N/A	
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Are established emergency phone numbers posted where they can be readily found in case of an emergency?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Are employees trained on emergency procedures?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Are fire evacuation procedures/diagrams posted?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Is emergency information posted in every area where you store hazardous waste?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Is established facility emergency information posted near a telephone?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Are the OSHA poster, and other required posters displayed conspicuously?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Are adequate first aid supplies available and properly maintained?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Are an adequate number of first aid trained personnel available to respond to injuries and illnesses until medical assistance arrives?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Is a copy of the facility fire prevention and emergency action plan available on site?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Are safety hazard warning signs/caution signs provided to warn employees of pertinent hazards?
Fire Prevention			
Yes	No	N/A	
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Are flammable liquids, such as gasoline, kept in approved safety cans and stored in flammable cabinets?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Are portable fire extinguishers distributed properly (less than 75 feet travel distance for combustibles and 50 feet for flammables)?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Are employees trained on the use of portable fire extinguishers?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Are portable fire extinguishers visually inspected monthly and serviced annually?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Is the area around portable fire extinguishers free of obstructions and properly labeled?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Is heat-producing equipment used in a well ventilated area?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Are fire alarm pull stations clearly marked and unobstructed?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Is proper clearance maintained below sprinkler heads (i.e., 18" clear)?
Emergency Exits			
Yes	No	N/A	
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Are doors, passageways or stairways that are neither exits nor access to exits and which could be mistaken for exits, appropriately marked "NOT AN EXIT," "TO BASEMENT," "STOREROOM," etc.?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Are a sufficient number of exits provided?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Are exits kept free of obstructions or locking devices which could impede immediate escape?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Are exits properly marked and illuminated?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Are the directions to exits, when not immediately apparent, marked with visible signs?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Can emergency exit doors be opened from the direction of exit travel without the use of a key or any special knowledge or effort when the building is occupied?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Are exits arranged such that it is not possible to travel toward a fire hazard when exiting the facility?

FIGURE 16-6 *Continued*

FORM CD-574 (9/02)			
Electrical Systems (Please have your facility maintenance person or electrician accompany you during this part of the inspection)			
Yes	No	N/A	
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Are all cord and cable connections intact and secure?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Are electrical outlets free of overloads?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Is fixed wiring used instead of flexible/extension cords?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Is the area around electrical panels and breakers free of obstructions?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Are high-voltage electrical service rooms kept locked?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Are electrical cords routed such that they are free of sharp objects and clearly visible?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Are all electrical cords grounded?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Are electrical cords in good condition (free of splices, frays, etc.)?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Are electrical appliances approved (Underwriters Laboratory, Inc. (UL), etc.)?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Are electric fans provided with guards of not over one-half inch, preventing finger exposures?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Are space heaters UL listed and equipped with shutoffs that activate if the heater tips over?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Are space heaters located away from combustibles and properly ventilated?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	In your electrical rooms are all electrical raceways and enclosures securely fastened in place?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Are clamps or other securing means provided on flexible cords or cables at plugs, receptacles, tools, equipment, etc., and is the cord jacket securely held in place?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Is sufficient access and working space provided and maintained about all electrical equipment to permit ready and safe operations and maintenance? (This space is 3 feet for less than 600 volts, 4 feet for more than 600 volts)
FORM CD-574 (9/02)			
Material Storage			
Yes	No	N/A	
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Are storage racks and shelves capable of supporting the intended load and materials stored safely?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Are storage racks secured from falling?
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	Are office equipment stored in a stable manner, not capable of falling?

- **How could it happen?** The accident could happen as a result of the student leaning too close to the lathe while working at the bench, or walking too close to the lathe, or bending to reach for an article that fell close to the lathe.
- **What are other contributing factors?** Speed is one contributing factor. The problem would occur so quickly that the student would be unable to take evasive action once the lathe ensnared the hair.

The job hazard analysis should provide the basis for creating countermeasures. For example, given the speed with which such a lathe accident would occur, it's unlikely that training by itself would suffice. Instead, the lathe area should be ensconced in its own protective casing, and changes made to ensure that the lathe can't spin unless the student takes action via a foot pedal.

Surprisingly, while workplace injuries are declining, *serious* injuries and fatalities are not. For example, the injury and illness rate dropped by about 40% from 2003 to 2015, but the fatality rate dropped only 15%.⁷⁸

Employers therefore should particularly focus on serious injuries and fatalities. This starts with identifying high hazard events. For example, accidentally cutting one's finger with a knife is not as potentially catastrophic as cutting it by catching it in an automated slicing machine. So first identify such potential high hazard events. Then conduct job hazard analyses, and implement preventive steps.⁷⁹

operational safety reviews

Reviews conducted by agencies to ascertain whether units under their jurisdiction are complying with all the applicable safety laws, regulations, orders, and rules.

OPERATIONAL SAFETY REVIEWS After Japan’s Fukushima nuclear power plant exploded back in 2011, many wondered if the International Atomic Energy Agency (IAEA) had conducted the necessary operational safety reviews. **Operational safety reviews** (or safety operations reviews) are conducted by agencies to ascertain whether units under their jurisdiction are complying with all the applicable safety laws, regulations, orders, and rules. For example, under IAEA’s Operational Safety Review Program, “international teams of experts conduct in-depth reviews of operational safety performance at a nuclear power plant.”⁸⁰

PERSONAL PROTECTIVE EQUIPMENT While it can reduce the perils of some unsafe conditions, getting employees to wear personal protective equipment (PPE) like hard hats is famously difficult.⁸¹ Wearability is important. OSHA says it “should fit comfortably, encouraging worker use.”⁸² In addition to providing protection, PPE should fit properly; be easy to care for; be flexible and lightweight; and be maintained in a clean and reliable fashion, for instance. Companies such as Kimberly-Clark are using new fibers and fabrics to design easier-wearing high-tech solutions.⁸³ And it’s not just wearability. For example, some workers resist hearing protection because they’re afraid it may interfere with hearing their colleagues.⁸⁴ It’s therefore important to solicit workers’ opinions.

Of course, the manager should require wearing the protective equipment before the accident, not just after it. For example, a combustible dust explosion at a sugar refinery killed 14 employees and burned many others. The employer subsequently required that all employees wear fire-resistant clothing, unfortunately too late for the victims.⁸⁵

Similarly, cold weather means employers should protect their outdoor workers.⁸⁶ This should include, among other things, monitoring temperature and wind chill conditions, making sure workers are supplied with cold-weather apparel, monitoring workers for signs of frostbite, and providing adequate indoor breaks.⁸⁷

But again, reducing unsafe conditions is the first line of defense. OSHA says, “[e]mployers must institute all feasible engineering and work practice controls to eliminate and reduce hazards before using PPE to protect against hazards.”⁸⁸



TRENDS SHAPING HR: LOCATION BEACONS

Beacons—tiny devices that continuously transmit radio signals identifying themselves—are becoming valuable occupational safety tools. Employers use beacons to keep track of employees, particularly if they’re in distress. Others use them to warn employees, such as when they’re too close to a danger zone.⁸⁹ ■



Diversity Counts: Protecting Vulnerable Workers

In designing safe environments, employers need to pay special attention to vulnerable workers, such as young, immigrant, aging, and women workers.⁹⁰ For example, although 14- and 15-year-olds can generally only legally work at jobs like cashier and office work, 16- and 17-year-olds may take jobs like cooking and construction. In one recent year, about 550 16- and 17-year-olds were injured at work.⁹¹ Similarly, as one safety engineering company CEO said, “For decades, women essentially were ignored when it came to designing eye and face protection.” Today, more products are available in smaller sizes.⁹²

With more workers postponing retirement, older workers often fill manufacturing jobs.⁹³ They can do these jobs effectively. However, there are numerous physical changes associated with aging, including loss of strength, loss of muscular flexibility, and reduced reaction time.⁹⁴ The fatality rate for older workers is about three times that of younger workers.⁹⁵ Employers should make special provisions. For example, boost lighting levels and reduce heavy lifting.⁹⁶

One also needs plans for dealing with health issues.⁹⁷ Thus, in the case of a cardiac arrest emergency, early CPR and external defibrillators are essential. These should be available and one or more employees trained to use them.⁹⁸ ■

Reducing Unsafe Acts

While reducing unsafe conditions is the first line of defense, human misbehavior will short-circuit even the best safety efforts.⁹⁹

Sometimes the misbehavior is intentional, but often it's not. For example, distractions contribute to about half of all car accidents. The National Safety Council estimates that cell phone use was involved in 24% of all motor vehicle crashes.¹⁰⁰ (Drivers of commercial interstate motor vehicles are banned from using handheld mobile telephones while driving.)¹⁰¹ At work, not noticing moving or stationary objects or that a floor is wet often causes accidents.¹⁰² And, ironically, “making a job safer with machine guards or PPE lowers people’s risk perceptions and thus can lead to [more] at-risk behavior.”¹⁰³

Unfortunately, telling employees to “pay attention” isn’t enough. First try to eliminate potential risks, such as unguarded equipment. Next, reduce potential distractions such as noise, heat, and stress. Then, carefully screen and train employees, as we explain next.

Reducing Unsafe Acts through Screening

In reducing unsafe acts through screening, the employer’s aim is to identify the traits that predict accidents on the job and then test candidates for these traits. For example, the Employee Reliability Index (ERI) measures dimensions such as emotional maturity, conscientiousness, and safe job performance.¹⁰⁴ Employers also use *work sample* tests and tests of *physical abilities* to determine if the person can do the job. Some employers conduct *physical demands assessments* (PDAs). These itemize a job’s physical demands, such as “lifting 40 pounds an hour,” and “working in 90 degree heat.” The employer then uses this to develop more precise screening and training for the job.¹⁰⁵

Behavioral interview questions can also be revealing. For example, ask, “What would you do if your supervisor told you to do something you knew was unsafe?”

Reducing Unsafe Acts through Training

Studies by the Hartford Insurance Company found that injury rates for workers in their first month on the job were four to six times higher than for other workers.¹⁰⁶

Safety training reduces unsafe acts, especially for new employees.¹⁰⁷ Here the employer should instruct employees in safe practices and procedures, warn them of potential hazards, and work to develop a safety-conscious employee attitude. OSHA’s standards don’t just require training. Employees must demonstrate that they actually learned what to do. (For example, OSHA’s respiratory standard requires that each employee demonstrate how to inspect, put on, and remove respirator seals.¹⁰⁸ OSHA has two booklets, *Training Requirements under OSHA* and *Teaching Safety and Health in the Workplace*.) Because temporary workers account for a disproportionate share of workplace accidents, the employer should take particular care to train them.¹⁰⁹

The main aim of safety training is not to meet OSHA training standards, but to impart knowledge and skills to reduce accidents. One study found that the most effective safety training elicited employee engagement.¹¹⁰ The “least engaging” programs included lectures, films, reading materials, and video-based training. “Moderately engaging” programs included computer interface instruction with feedback. “Engaging” ones included behavioral modeling, simulation, and hands-on training.

Employers also use training vendors’ online safety programs.¹¹¹ Online safety course and video vendors include, for example, <https://safetyskills.com/>, PureSafety (www.ulworkplace.com), and <https://vividlearningsystems.com/courses>. When the University of California system wanted safety training for its 50,000 employees on 10 different campuses, it developed an online program with Vivid Learning Systems. The 2-hour custom online lab safety course covers OSHA regulations, with exercises for participants.¹¹² OSHA, the National Institute for Occupational Safety and Health (NIOSH), and other private vendors also offer online safety training solutions.¹¹³

Emergency stop devices, such as buttons, override other machine controls to remove power from hazardous machine motion.

Ekkaluck Sangkla/Alamy Stock Photo



Reducing Unsafe Acts through Posters, Incentives, and Positive Reinforcement

Employers also use various tools to motivate worker safety.¹¹⁴ Safety posters are one, but are no substitute for comprehensive safety programs. Employers should combine posters with other techniques (like screening and training) to reduce unsafe conditions and acts, and change the posters often. Posters should be easily visible, legible, and well-lit.¹¹⁵

Incentive programs are also useful. In one survey several years ago, about 75% of U.S. manufacturers surveyed said they had safety incentive programs.¹¹⁶ Most such programs pay incentives for safety-related worker behaviors such as participating in a safety meeting, reporting a near miss, or reporting unsafe conditions.¹¹⁷ Vendors also offer turnkey safety incentive programs. For example, safety incentive programs from \$Safety Pay\$ (www.safetypays.com/) include programs for incentivizing employees' safety awareness.

OSHA has argued that such programs don't reduce injuries or illnesses, but only injury and illness *reporting*. OSHA rules prohibit employers from using incentive programs that in any way penalize workers for reporting accidents or injuries.¹¹⁸ OSHA might question any safety incentive payment that is so high that the award might dissuade reasonable workers from reporting safety problems.¹¹⁹

One option (see accompanying Profit Center discussion) is to emphasize behavioral incentives like recognition.¹²⁰ In any case, the incentive program should be part of a comprehensive safety program.¹²¹



IMPROVING PERFORMANCE: HR AS A PROFIT CENTER

Using Positive Reinforcement

Many employers successfully use *positive reinforcement programs* to improve safety. Such programs provide workers with continuing positive feedback, usually in the form of graphical performance reports and supervisory support, to shape the workers' safety-related behavior.

Researchers introduced one program in a wholesale bakery.¹²² The new safety program included training and positive reinforcement. The researchers set and communicated a reasonable safety goal (in terms of observed incidents performed safely).

Next, employees participated in a 30-minute training session by viewing pairs of slides depicting scenes that the researchers staged in the plant. One slide, for example, showed the supervisor climbing over a conveyor; the parallel slide showed the supervisor walking around the conveyor. After viewing an unsafe act, employees had to describe, “What’s unsafe here?” Then the researchers demonstrated the same incident again but performed in a safe manner, and explicitly stated the safe-conduct rule (“go around, not over or under, conveyors”).

At the conclusion of the training phase, supervisors showed employees a graph with their pretraining safety record (in terms of observed incidents performed safely) plotted. Supervisors then encouraged workers to consider increasing their performance to the new safety goal for their own protection, to decrease costs, and to help the plant get out of its last-place safety ranking. Then the researchers posted the graph and a list of safety rules.

Whenever observers walked through the plant collecting safety data, they posted on the graph the percentage of incidents they had seen performed safely by the group as a whole, thus providing the workers with positive feedback. Workers could compare their current safety performance with both their previous performance and their assigned goal. In addition, supervisors praised workers when they performed selected incidents safely. Safety in the plant subsequently improved markedly. ■

MyLab Management Talk About It 3

If your professor has assigned this, go to the Assignments section of [www.pearson.com/mylab/management](http://www.pearson.com/mylab/) to complete this discussion. List six more unsafe incidents you believe might occur in a bakery, and a “safe manner” for doing each.

Reducing Unsafe Acts by Fostering a Culture of Safety

Employers and supervisors should create a culture of safety by showing they take safety seriously. One study measured safety culture in terms of questions like “my supervisor says a good word whenever he sees the job done according to the safety rules” and “my supervisor approaches workers during work to discuss safety issues.”¹²³

According to one safety expert, a workplace with a safety-oriented culture exhibits:

1. *Teamwork*, in the form of management and employees both involved in safety;
2. Highly visible and interactive *communication and collaboration* on safety matters;

Particularly in situations like this where employees are relatively unsupervised, employers should create a safety-conscious culture by showing that they take safety seriously.



caia image/Alamy Stock Photo

3. A *shared vision* of safety excellence (specifically, an overriding attitude that all accidents and injuries are preventable);
4. *Assignment* of critical safety functions to specific individuals or teams;
5. A *continuous effort* toward identifying and correcting workplace safety problems and hazards;¹²⁴ and,
6. *Encouragement* of incident reporting.¹²⁵

Reducing Unsafe Acts by Creating a Supportive Environment

Supportive supervisors' teams seem to have better safety records. "Organizations can develop a supportive environment by training supervisors to be better leaders, emphasizing the importance of teamwork and social support, and establishing the value of safety."¹²⁶

Reducing Unsafe Acts by Establishing a Safety Policy

The company's written safety policy should emphasize that accident prevention is of the utmost importance, and that the firm will do everything practical to eliminate or reduce accidents and injuries.

Reducing Unsafe Acts by Setting Specific Loss Control Goals

Set specific safety goals to achieve. For example, set safety goals in terms of frequency of lost-time injuries per number of full-time employees.

Reducing Unsafe Acts through Behavior-Based Safety and Safety Awareness Programs

behavior-based safety

Identifying the worker behaviors that contribute to accidents and then training workers to avoid these behaviors.

safety awareness program

Program that enables trained supervisors to orient new workers arriving at a job site regarding common safety hazards and simple prevention methods.

Behavior-based safety means identifying the worker behaviors that contribute to accidents and then training workers to avoid these behaviors. Tenneco Corporation implemented one such program. The firm selected internal consultants from among its quality managers, training managers, engineers, and production workers. After training, the internal consultants identified five critical behaviors for Tenneco's first safety program, such as *Eyes on task: Does the employee watch his or her hands while performing a task?* The consultants made observations and collected data on the behaviors. Then they instituted training programs to get employees to perform these five behaviors properly.¹²⁷

Employers also use **safety awareness programs**. In a **safety awareness program** new workers receive critical information regarding the job's common safety hazards and simple prevention methods, often when first arriving at a job site. For example, the Roadway Safety Awareness Program from the American Road & Transportation Builders Association addresses trucker safety issues such as stopping distances required at various speeds.

Reducing Unsafe Acts through Employee Participation

Employee participation plays a central role in safety programs. As OSHA says, "To be effective, any safety and health program needs the meaningful participation of workers and their representatives. . . . Worker participation means that workers are involved in establishing, operating, evaluating, and improving the safety and health program."¹²⁸ Ideally, the employer should encourage all workers to participate, to feel comfortable reporting safety or health concerns, and to have access to the information they need to participate in the program.¹²⁹ The employee engagement section in this chapter illustrates this.



TRENDS SHAPING HR: DIGITAL AND SOCIAL MEDIA

Conducting Safety and Health Audits and Inspections

Safety managers know that good intentions aren't enough: the employer must audit safety compliance. First, line managers should periodically inspect their areas using safety audit/checklists (as in Figure 16-6, pages 529–531), including investigating all accidents and "near misses."

A company/facility-wide safety audit is also in order. OSHA provides a safety self-audit tool.¹³⁰ It contains items to check off, such as “Management implements and communicates a written policy supporting the safety and health program,” and “Management defines specific goals and expectations for the program.”¹³¹

Employers expedite and enable safety audits with mobile digital tools. For example, managers and employees use iAuditor—Safety Audit and Checklist App,¹³² available via iTunes, to facilitate safety audits. iAuditor contains safety checklists and tools that let employers take action depending on the checklist response.¹³³ AssessNET is cloud-based safety software that lets employers remotely manage risk assessments, accident records, and safety audits.¹³⁴ Employees use AssessNET from their desktops and mobile devices. It provides them with quick access to safety records, lets them quickly report hazards, and alerts management of safety incidents.¹³⁵ With safety audits, safety-related metrics would include, for instance, injury and illness rates, workers’ compensation cost per employee, at-risk behavior reduction, and safety training exercises.¹³⁶ Ideally, *trend the audit data* (for instance, to see if accident rates are rising or falling or steady), and *track the corrective actions* through to completion.¹³⁷ ■

Table 16-1 summarizes suggestions for reducing unsafe conditions and acts.

LEARNING OBJECTIVE 16-5

Describe how one company uses employee engagement to improve workplace safety.

Employee Engagement Guide for Managers

Milliken & Company—World-Class Safety through Employee Engagement

Milliken & Company designs, manufactures, and markets chemicals, floor coverings, protective fabrics, and textiles. It has about 7,000 employees in more than 39 facilities around the world. The privately owned Milliken has received widespread recognition for the quality of its innovative products, for its high employee engagement, and for its world-class employee engagement-based safety program. It’s also the only company to consistently rank as a “most ethical company” for 15 years running.¹³⁸ A survey of Milliken’s employees found an 80% positive engagement level, based on questions concerning employees’ commitment, pride in company, and empowerment efforts.¹³⁹ Its extraordinarily low workplace illness and injury rates make it one of the safest companies in which to work.¹⁴⁰

Involvement-Based Employee Engagement

The centerpiece of Milliken’s safety process is its *involvement-based employee engagement* program. For example, employees staff the safety steering and safety subcommittee

TABLE 16-1 Reducing Unsafe Conditions and Acts: A Summary

Reduce Unsafe Conditions

- Identify and eliminate unsafe conditions.
- Use administrative means, such as job rotation.
- Use personal protective equipment.

Reduce Unsafe Acts

- Emphasize top management commitment.
- Emphasize safety.
- Establish a safety policy.
- Reduce unsafe acts through selection.
- Provide safety training.
- Use posters and other propaganda.
- Use positive reinforcement.
- Set specific safety goals to achieve.
- Use behavior-based safety programs.
- Encourage worker participation.
- Conduct safety and health audits and inspections regularly.

system, submit “opportunity for improvement” suggestions weekly, review each of these suggestions, and provide feedback on every suggestion.¹⁴¹ The safety process depends on *cascading goals* deriving from federal, state, and Milliken-based safety guidelines. These goals are translated through weekly meetings into specific metrics (for instance, “accidents per employee hour worked”) to be achieved by each plant’s subcommittees. Each subcommittee then performs weekly *audits*, to ensure compliance and that the plant’s safety activities are continuously improved. Plant employees get checklists to familiarize themselves with the safety measures associated with their machines.¹⁴²

Each Milliken employee’s safety program involvement is quantified, for instance in terms of serving on safety subcommittees, or conducting safety audits.¹⁴³ Also, to help foster engagement, the program *empowers* employees, for instance, by training each to be knowledgeable about OSHA safety regulations. Milliken also trains employees to give and receive peer-to-peer safety comments. Each is authorized to act by providing “constructive feedback” or “appreciative feedback” when observing another employee doing something safely (or not). Milliken’s safety tracking tool helps employees make sure that safety suggestions, safety audit findings, or other safety agenda items are each tracked and finalized; each item gets a number, date, and the name of the responsible Milliken employee.¹⁴⁴ Milliken’s programs are consistent with OSHA’s Voluntary Protection Program, and many of its U.S. facilities are VPP certified.¹⁴⁵

Members of each plant’s employee safety steering committee investigate all safety incidents to identify the causes.¹⁴⁶ Milliken recognizes employees’ safety efforts in formal celebratory events throughout the year, such as having “cheerleaders” provide safety cheers as engineers enter the plant.¹⁴⁷

LEARNING OBJECTIVE 16-6

List five workplace health hazards and how to deal with them.

Workplace Health Hazards: Problems and Remedies

Many workplace hazards aren’t as obvious as slippery floors. Many are unseen hazards that the company may use or produce as part of its production processes. Typical here are chemicals, temperature extremes, biohazards (such as mold and anthrax), and ergonomic hazards (such as misaligned computer screens). OSHA and other safety standards cover many of them.¹⁴⁸

Chemicals and Industrial Hygiene

For example, OSHA standards list exposure limits for about 600 chemicals, such as asbestos and lead. Such hazardous substances require air sampling and other precautionary measures.

Managing such hazards comes under the purview of *industrial hygiene*, and involves recognition, evaluation, and control. First, the facility’s safety officers (often working with supervisors and employees) must *recognize* possible exposure hazards. This typically means conducting plant/facility walk-around surveys, employee interviews, records reviews, and reviews of government (OSHA) and nongovernmental standards.

Once the manager identifies a possible hazard, *evaluation* involves determining how severe it is. This requires measuring the exposure, comparing the measure to some benchmark (such as 0.10 fibers per cubic centimeter for asbestos), and determining if the risk is within standard.¹⁴⁹

Hazard *control* involves eliminating or reducing the hazard. Here personal protective gear should be the *last* option. The employer must first install engineering controls (such as enclosures or ventilation) and administrative controls (including training and improved housekeeping).

KNOW YOUR EMPLOYMENT LAW

Hazard Communication

In, say, a dry cleaning store, it might not be apparent by looking at it that the clear cleaning chemical hydrofluoric acid will eat through glass and blind an unsuspecting worker. Under OSHA’s *hazard communication standard*, “in order to ensure chemical safety in the workplace, information about the identities and hazards of the chemicals must

be available and understandable to workers.” As a result, chemical manufacturers and importers must label and provide hazard safety data sheets to their customers. All employers must have labels and safety data sheets available for their exposed workers, and train workers to handle the chemicals appropriately.¹⁵⁰

HR AND THE GIG ECONOMY: TEMP EMPLOYEE SAFETY¹⁵¹

Temp workers in the United States account for as much as five times the workplace fatalities than one might expect.

Why? First, new employees tend to have higher accident rates, and temp or gig workers are often new. Furthermore, temp or gig workers lack some familiar legal employment protections (for example, they generally don’t get unemployment insurance or workers’ compensation).¹⁵² This may in turn prompt some employers to ignore temps’ safety training (on the mistaken assumption that they need not provide it). Temps may also lack the workmates who might otherwise provide safety guidance. Some experts also believe that temp workers often get the “dirtiest most hazardous” jobs.

However, temp/gig workers are covered by occupational health and safety laws, and companies have the same safety obligations to them as to their own employees. For example, the host employer has the primary responsibility for providing temp workers with site-specific hazard communications information and training, and safety training must be identical to what it gives its own employees. As other examples, the host employer must ensure appropriate labeling of chemical containers, and provide appropriate personal protective equipment (PPE). Many host employers hire temps through staffing agencies. According to OSHA, these agencies should, for example, provide generic hazard communications and visit the facility to review the adequacy of its hazard safety processes.

We’ll look at several important workplace hazards next.



Asbestos Exposure at Work and Air Quality

Asbestos is a major source of occupational respiratory disease. Efforts are still underway to rid old buildings of the substance.

OSHA standards require several actions with respect to asbestos. Employers must monitor the air whenever they expect the level of asbestos to rise to one-half the allowable limit (0.10 fibers per cubic centimeter). Engineering controls—walls, special filters, and so forth—are required to maintain a compliant asbestos level. Only then can employers use respirators if additional efforts are required to achieve compliance.

Exposure to asbestos is a major potential source of occupational respiratory disease. Workers need to wear protective clothing and a respirator to remove asbestos from buildings.





Alcoholism and Substance Abuse

About two-thirds of all drug users and people with alcohol disorders are employed.¹⁵³ One estimate around 10 years ago was that about 15% of the U.S. workforce “has either been hung over at work, been drinking shortly before showing up for work, or been drinking or impaired while on the job at least once during the previous year.”¹⁵⁴ Breathalyzer tests detected alcohol in 16% of emergency room patients injured at work.¹⁵⁵ Employee alcoholism may cost U.S. employees about \$226 billion per year, for instance in absenteeism and accidents.¹⁵⁶ Deaths from opioids about tripled in one recent 5-year period.¹⁵⁷

SUBSTANCE ABUSE TESTING Dealing with substance abuse often involves *substance abuse testing*.¹⁵⁸ It’s unusual to find employers who don’t at least test job candidates for substance abuse before formally hiring them. And many states have mandatory random drug testing for high-hazard workers. For example, New Jersey requires random drug testing of electrical workers.¹⁵⁹

Yet there is debate about whether drug tests reduce workplace accidents. One study, in three hotels, concluded that preemployment drug tests seemed to have little effect on workplace accidents. However, a combination of preemployment and random ongoing testing was associated with a significant reduction in workplace accidents.¹⁶⁰

With a tighter U.S. job market and more states legalizing marijuana, many employers are ratcheting down their drug testing programs, at least with respect to marijuana.¹⁶¹ For example, AutoNation recently said it would no longer refuse job offers because someone tested positive for marijuana.

However, employers with critical safety issues (like those with heavy equipment or in transportation) continue to test. Others do as well: Burger King and Ford Motor Company still treat marijuana as illegal. AutoNation continues to bar those who test positive for other illegal drugs. And at factories (particularly with heavy machinery), a zero-tolerance policy remains the rule. One food processing plant randomly tests one employee every month, “and we’re going to move it to two,”¹⁶²

Some applicants or employees may try to evade testing by purchasing “clean” specimens. Several states—including New Jersey, North Carolina, Virginia, Oregon, South Carolina, Pennsylvania, Louisiana, Texas, and Nebraska—have laws making drug-test fraud a crime.¹⁶³ The oral fluid drug test eliminates the “clean specimen” problem.¹⁶⁴ However, given the problem, ongoing random testing is still advisable.

DEALING WITH SUBSTANCE ABUSE Ideally, a drug-free workplace program includes five components:¹⁶⁵

1. A drug-free workplace policy
2. Supervisor training
3. Employee education
4. Employee assistance
5. Drug testing

The policy should state, at a minimum, “The use, possession, transfer, or sale of illegal drugs by employees is prohibited.” It should also explain the policy’s rationale, and the disciplinary consequences. Supervisors should be trained to monitor employees’ performance, and to stay alert to drug-related performance problems. As in Table 16-2, alcohol-related symptoms range from tardiness in the earliest stages of alcohol abuse to prolonged, unpredictable absences in its later stages.¹⁶⁶

Several tools are available to screen for alcohol or drug abuse. The most widely used self-reporting screening instruments for alcoholism are the 4-item CAGE and the 25-item Michigan Alcoholism Screening Test (MAST). The former asks questions like these: Have you ever (1) attempted to Cut back on alcohol, (2) been Annoyed by comments about your drinking, (3) felt Guilty about drinking, (4) had an Eye-opener first thing in the morning to steady your nerves?¹⁶⁷

In general, disciplining, discharge, in-house counseling, and referral to an outside agency are the traditional prescriptions when *current* employees test positive; repeated test failures often incur harsher penalties. However federal and state laws govern what employers can and can’t do.¹⁶⁸ For example federal transportation law basically requires

TABLE 16-2 Observable Behavior Patterns Indicating Possible Alcohol-Related Problems

Alcoholism Stage	Some Possible Signs of Alcoholism Problems	Some Possible Alcoholism Performance Issues
Early	Arrives at work late Untrue statements Leaves work early	Reduced job efficiency Missed deadlines Careless, sloppy work
Middle	Frequent absences, especially Mondays Colleagues mentioning erratic behavior Mood swings Anxiety Late returning from lunch Frequent multiday absences	Accidents Warnings from boss Noticeably reduced performance Many excuses for incomplete assignments or missed deadlines
Advanced	Personal neglect Unsteady gait Violent outbursts Blackouts and frequent forgetfulness Possible drinking on job	Frequent falls, accidents Strong disciplinary actions Basically incompetent performance

Source: Based on Gopal Patel and John Adkins Jr., "The Employer's Role in Alcoholism Assistance," *Personnel Journal* 62, no. 7 (July 1983), p. 570; Mary-Anne Enoch and David Goldman, "Problem Drinking and Alcoholism: Diagnosis and Treatment," *American Family Physician*, February 1, 2002, www.aafp.org/afp/20020201/441.html, accessed July 20, 2008; and Ken Pidd et al., "Alcohol and Work: Patterns of Use, Workplace Culture, and Safety," www.nisu.flinders.edu.au/pubs-reports/2006/injcat82.pdf, accessed July 20, 2008; www.ncadd.org/about-addiction/addiction-update/drugs-and-alcohol-in-the-workplace, accessed April 12, 2017; www.opm.gov/policy-data-oversight/worklife/reference-materials/alcoholism-in-the-workplace-a-handbook-for-supervisors/, accessed April 9, 2018.

that a truck driver who fails (or refuses to take) a drug test be immediately removed from driving until successful completion of qualified counseling.¹⁶⁹ And in Vermont and Minnesota, someone who fails a first drug test can't be fired if he or she completes a rehabilitation program.¹⁷⁰

According to the EEOC, the Americans with Disabilities Act "specifically provides that employers may require an employee who is an alcoholic or who engages in the illegal use of drugs to meet the same standards of performance and behavior as other employees."¹⁷¹ So, for example, the employer generally need not tolerate substance abuse-related behavior such as absenteeism.¹⁷² However there may be exceptions, such as whether the test results involved prescription drugs or medical marijuana. And suits for invasion of privacy and defamation are always possible. Therefore, it's prudent to publicize the substance abuse policy and procedures, for instance in the employee manual.¹⁷³

Stress, Burnout, and Depression

Many things about one's job can be stressful. These include belligerent bosses or colleagues, poor job security, low pay, unpredictable schedules, workplace noise, excessive workloads, inadequate control over job-related decisions, unclear performance expectations, and arrogant customers.¹⁷⁴

Furthermore, personality affects stress. For example, Type A personalities—workaholics who feel driven to meet deadlines—normally place themselves under greater stress. Add to job stress the stress caused by nonjob problems like divorce, and many workers are problems waiting to happen.

Human consequences of job stress include anxiety, depression, anger, cardiovascular disease, headaches, accidents, and even early onset Alzheimer's disease.¹⁷⁵ One study found that nurses working under excessive pressure had double the risk for heart attacks.¹⁷⁶ For the employer, consequences include diminished performance and increased absenteeism and turnover. One report estimates that work stress costs an extra \$125 to \$190 billion dollars per year in health-care spending.¹⁷⁷

REDUCING JOB STRESS There are several ways to alleviate dysfunctional stress. These range from commonsense remedies (getting more sleep) to biofeedback and meditation. Finding a more suitable job, getting counseling, and planning each day's activities are other sensible responses.¹⁷⁸ In his book *Stress and the Manager*, Dr. Karl Albrecht suggests the following ways for a person to reduce job stress:¹⁷⁹

- Build rewarding, pleasant, cooperative relationships with colleagues and employees.
- Don't bite off more than you can chew.
- Talk to your supervisor, for instance to clear the air if the relationship has become tense.
- Negotiate with your boss for realistic deadlines on important projects.
- Learn as much as you can about upcoming events, and get as much lead time as possible to prepare for them.
- Find time every day for detachment and relaxation.
- Take a walk around the office to keep your body refreshed and alert.
- Find ways to reduce unnecessary noise.
- Reduce the amount of trivia in your job; delegate routine work when possible.
- Limit interruptions.
- Don't put off dealing with distasteful problems.
- Make a constructive "worry list" that includes solutions for each problem.
- Get more and better quality sleep.¹⁸⁰
- Establish boundaries, such as by not checking email from home after 10 P.M.
- Get some support, by speaking with a trusted friend or counselor.

Meditation is an option. Choose a quiet place with soft light and sit comfortably. Then focus your thoughts (for example, count breaths or visualize a calming location such as a beach). When your mind wanders, bring it back to focusing your thoughts on your breathing or the beach.¹⁸¹

WHAT THE EMPLOYER CAN DO Employers and supervisors play roles in reducing stress. Supportive supervisors and fair treatment are important; rein in bullying-prone supervisors. Other steps include reducing personal conflicts on the job and encouraging open communication between management and employees. One hospital in California introduced an on-site concierge service to help its employees reduce work-related stress. It handles tasks like making vacation plans for employees.¹⁸² Some employers use "resilience training" to help employees deal with stress. As one example, "participants consider previous stressful situations in their lives that they have overcome and identify factors that made the situations manageable."¹⁸³

One British firm has a three-tiered employee stress-reduction program.¹⁸⁴ First is *primary prevention*. This focuses on ensuring that things like job designs and workflows are correct. Second is *intervention*. This includes individual employee assessment, attitude surveys to find sources of stress, and supervisory intervention. Third is *rehabilitation*, which includes employee assistance programs and counseling.

BURNOUT Experts define **burnout** as the total depletion of physical and mental resources caused by excessive striving to reach an unrealistic work-related goal. Burnout manifests itself in symptoms like irritability, discouragement, exhaustion, cynicism, entrapment, and resentment.¹⁸⁵

Employers can head off burnout, for instance, by monitoring employees in potentially high-stress jobs.¹⁸⁶ What can a burnout candidate do? First, watch for warning signs such as tiredness, lack of focus, and depressed mood.¹⁸⁷ In his book *How to Beat the High Cost of Success*, Dr. Herbert Freudenberger suggests:

- **Break your patterns.** The more well-rounded your life is, the better protected you are against burnout.
- **Get away from it all periodically.** Schedule occasional periods of introspection where you can get away from your usual routine.¹⁸⁸ Another way to reduce burnout is to (try to) put your job aside once you go home.¹⁸⁹ Similarly, take your vacation time: only about 47% of workers used all their paid vacation days recently.¹⁹⁰

burnout

The total depletion of physical and mental resources caused by excessive striving to reach an unrealistic work-related goal.

- **Reassess your goals in terms of their intrinsic worth.** Are the goals you've set for yourself attainable? Are they really worth the sacrifices?
- **Think about your work.** Could you do as good a job without being so intense?
- **Stay active.** One study concluded that “the increase in job burnout and depression was strongest among employees who did not engage in physical activity and weakest to the point of non-significance among those engaging in high physical activity.”¹⁹¹

EMPLOYEE DEPRESSION *Employee depression* is a serious work problem. Experts estimate that depression results in about 200 million lost workdays each year, costing employers \$17 to \$44 billion annually.¹⁹² Depressed people also tend to have worse safety records.¹⁹³

One survey found that while about two-thirds of large firms offered employee assistance programs covering depression, only about 14% of employees with depression said they ever used one.¹⁹⁴ Employers therefore need to train supervisors to identify depression's warning signs and to counsel those who may need such services to use them.¹⁹⁵ Depression is a disease. It does no more good to tell a depressed person to “snap out of it” than it would to tell someone with a heart condition to stop acting tired. Typical depression warning signs (if they last for more than 2 weeks) include persistent sad, anxious, or “empty” moods; sleeping too little; reduced appetite; loss of interest in activities once enjoyed; restlessness or irritability; and difficulty concentrating.¹⁹⁶

Solving Computer-Related Ergonomic Problems

OSHA provides an e-Tool for designing computer workstations.¹⁹⁷ Its prescriptions include, place the monitor directly in front of you, ensure it's at arm's length, and look away from the monitor every 20 minutes while focusing on something at least 20 feet away.¹⁹⁸

NIOSH (the National Institute for Occupational Safety and Health) provides general recommendations. Most relate to *ergonomics* or design of the worker–equipment interface. These include the following:

- Employees should take a 3- to 5-minute break from working at the computer every 20–40 minutes, using the time for other tasks.
- Design maximum flexibility into the workstation so it can be adapted to the person. For example, use adjustable chairs with midback supports. Don't stay in one position too long.
- Reduce glare with devices such as shades over windows and indirect lighting.
- Give workers a preplacement vision exam to ensure properly corrected vision for reduced visual strain.¹⁹⁹
- Allow the user to position his or her wrists at the same level as the elbow.
- Put the screen at or just below eye level, at a distance of 18 to 30 inches from the eyes.
- Let the wrists rest lightly on a pad for support.
- Put the feet flat on the floor or on a footrest.²⁰⁰

Repetitive Motion Disorders

Repetitive motion disorders include carpal tunnel syndrome and tendonitis. They result from too many uninterrupted repetitions of an activity or motion, or from unnatural motions such as twisting the arm or wrist. It affects people who perform repetitive tasks such as assembly line or computer work. Employers can reduce the problem, for instance, with programs to help workers adjust their pace of work.²⁰¹

Sitting

Studies suggest that people who sit a lot are in poorer health, and need to get up and walk around about 30 or 40 times a day; that's why apps (such as iPhone's health app) prompt users to walk around hourly.²⁰² Standing desks and slow treadmills (up to 3–4 miles/hour) are other options.²⁰³

Infectious Diseases

Employers can take steps to prevent the entry or spread of infectious diseases.²⁰⁴ These steps include

1. Monitor the Centers for Disease Control and Prevention (www.cdc.gov) travel alerts.
2. Encourage employees to receive immunizations.
3. Provide daily medical screenings for employees returning from infected areas.
4. Deny access for 10 days to employees or visitors who have had contact with suspected infected individuals.
5. Tell employees to stay home if they have a fever or respiratory system symptoms.
6. Clean work areas and surfaces regularly.
7. Practice hand hygiene, and make sanitizers easily available.
8. Stagger breaks. Offer several lunch periods to reduce overcrowding.²⁰⁵

Workplace Smoking

Smoking is a serious health and cost problem. For employers, costs derive from higher health and fire insurance, increased absenteeism, and reduced productivity (as when smokers take a 10-minute break behind the store).

The manager can probably deny a job to a smoker as long as smoking isn't used as a surrogate for other discrimination.²⁰⁶ Federal laws don't expressly prohibit discrimination against smokers. However, if a majority of a company's smokers also happen to be minorities, antismoking activities could be viewed as discriminatory. Seventeen states and the District of Columbia ban discriminating against smokers.²⁰⁷ Most employers these days ban indoor smoking, often designating small outdoor areas where smoking is permitted. Many states and municipalities now ban indoor smoking in public areas.²⁰⁸ With vaping laws in flux, employers should check the status of their local and state laws.²⁰⁹ NIOSH suggests prohibiting both tobacco smoke and e-cigarettes from the workplace.²¹⁰ While marijuana use is still illegal by federal law, it is legal in about 26 states, some of which have safety standards to protect cannabis industry workers.²¹¹

MyLab Management Apply It!

If your professor has assigned this activity, go to the Assignments section of www.pearson.com/mylab/management to complete the video exercise.



LEARNING OBJECTIVE 16-7

Discuss the prerequisites for a security plan and how to set up a basic security program.

Occupational Security and Risk Management

Workplace *safety* relates to risks of injury or illness to employees. Workplace *security* relates to protecting employees from internal and external security risks such as criminal acts by visitors and terrorism.²¹² The employer's workplace security plans should address things like establishing a formal security team, protecting the firm's intellectual property (for instance, through noncompete agreements), protecting against cyber threats (personnel information can be a "gold mine" for hackers),²¹³ developing crisis management plans, establishing theft and fraud prevention procedures, preventing workplace violence, and installing facility security systems.²¹⁴ Many firms of course also have special handling procedures for mail packages and hold regular emergency evacuation drills.



Enterprise Risk Management

Enterprise risk management is "the process of assessing exposures to loss within an operation and determining how best to eliminate, manage or otherwise reduce the risk of an adverse event from having a negative impact on the business."²¹⁵

Companies face a wide variety of risks, only some of which are OSHA-type direct risks to employees' health and safety. Other risks include, for instance, natural disaster risks, financial risks, and risks to the firm's computer systems. *Human capital risks* rank high. These include safety risks like those we discussed earlier in this chapter but also, for instance, "risks" from unionization and from inadequate staffing plans.²¹⁶

How the employer manages a risk depends on the type of risk. For example, *internal preventable* risks arise from actions within the company and include things like employees' illegal conduct or workplace accidents.²¹⁷ Employers manage these risks with methods such as codes of conduct, disciplinary procedures, and safety rules. *Strategy risks* are risks that managers accept as part of executing their strategies, such as the risk a banker takes that a borrower defaults. Employers manage some strategy risks with independent experts (like those who assess insurance risks) and with in-house experts, like the risk managers who help to oversee banks' loan portfolios. *External risks* come from outside the company and include things like political and natural disasters and terrorism. Managing external risks might involve methods like scenario planning, in which the company endeavors to identify, analyze, and plan for multiple possible eventualities.



Preventing and Dealing with Violence at Work

Violence against employees is an internal preventable risk, and a huge problem.²¹⁸ According to OSHA, homicide is the fourth-leading cause of fatal occupational injuries in the United States.²¹⁹ Customers are often the perpetrators.²²⁰ Many other assaults involve coworkers or a current or a former partner or spouse.²²¹

Workplace violence incidents by coworkers are predictable and avoidable. *Risk Management Magazine* estimates that about 86% of past workplace violence incidents were anticipated by coworkers, who had brought them to management's attention prior to the incidents actually occurring. Yet management usually did little or nothing.²²² Human resource managers can take several steps to reduce workplace violence risks.

HEIGHTEN SECURITY MEASURES Heightened security measures are the first line of defense, whether the violence is from coworkers, customers, or outsiders. According to OSHA, measures should include those in Figure 16-7.

IMPROVE EMPLOYEE SCREENING With about 30% of workplace attacks committed by coworkers, screening out potentially violent applicants is the employer's next line of defense.

Both personal and situational factors correlate with workplace aggression. Men and individuals scoring higher on "trait anger" (the predisposition to respond to situations with hostility) are more likely to exhibit aggression. In terms of the situation, interpersonal injustice and poor leadership can trigger aggression against supervisors.²²³

Employers can screen out potentially violent workers before they're hired. Obtain an employment application, and check the applicant's employment history, education, and references.²²⁴ Sample interview questions include "What frustrates you?" and "Who was your worst supervisor and why?"²²⁵ Certain background circumstances, such as the following, may call for more in-depth background checking:²²⁶

- An unexplained gap in employment
- Incomplete or false information on the résumé or application
- A negative, unfavorable, or false reference
- Prior insubordinate or violent behavior on the job²²⁷
- A criminal history involving harassing or violent behavior
- A prior termination for cause with a suspicious (or no) explanation
- History of drug or alcohol abuse

- Improve external lighting.
- Use drop safes to minimize cash on hand.
- Post signs noting that only a limited amount of cash is on hand.
- Install silent alarms and surveillance cameras.
- Increase the number of staff on duty.
- Provide staff training in conflict resolution and nonviolent response.
- Close establishments during high-risk hours late at night and early in the morning.
- Issue a weapons policy; for instance, "firearms or other dangerous or deadly weapons cannot be brought onto the facility either openly or concealed."

FIGURE 16-7 How to Heighten Security in Your Workplace

Source: See "Creating a Safer Workplace: Simple Steps Bring Results," *Safety Now*, September 2002, pp. 1–2. See also www.osha.gov/OshDoc/data_General_Facts/factsheet-workplaceviolence.pdf, accessed September 22, 2015.

- Strong indications of instability as indicated, for example, by frequent job changes or geographic moves
- Lost licenses or accreditations²²⁸
- Past conflicts (especially if violence was involved) with coworkers
- Past convictions for violent crimes

ESTABLISH A ZERO-TOLERANCE POLICY TOWARD WORKPLACE VIOLENCE This should cover all workers and *anyone* who may come in contact with company personnel.²²⁹

USE WORKPLACE VIOLENCE TRAINING You can also train supervisors to notice the clues that typify potentially violent current employees. Common clues include²³⁰

- An act of violence on or off the job
- Erratic behavior evidencing a loss of perception or awareness of actions
- Overly confrontational or antisocial behavior
- Sexually aggressive behavior
- Isolationist or loner tendencies
- Insubordinate behavior with a threat of violence
- Tendency to overreact to criticism
- Exaggerated interest in war, guns, violence, mass murders, catastrophes, and so on
- Commission of a serious breach of security
- Possession of weapons, guns, knives, or like items in the workplace
- Violation of privacy rights of others, such as searching desks or stalking
- Chronic complaining and the raising of frequent, unreasonable grievances
- A retributory or get-even attitude

GUIDELINES FOR FIRING A HIGH-RISK EMPLOYEE When firing a high-risk employee:

- Plan all aspects of the meeting, including its time, location, the people to be present, and agenda.
- Involve security enforcement personnel.
- Conduct the meeting in a room with a door leading to the outside of the building.
- Advise the employee that he or she is no longer permitted onto the employer's property.
- Keep the termination brief and to the point.
- Make sure he or she returns all company-owned property at the meeting.
- Don't let the person return to his or her workstation.
- Conduct the meeting early in the week and early in the morning so he or she has time to meet with employment counselors or support groups.
- Offer as generous a severance package as possible.
- Protect the employee's dignity by not advertising the event.²³¹
- Managers associated with the dismissal should for a time exercise personal caution.²³²
- Employers should consider hiring a security expert to monitor, for a time, the former employee's social media for threats.²³³

VIOLENCE TOWARD WOMEN AT WORK Homicides accounted for 10% of those who died at work in one recent year.²³⁴ Men have more fatal occupational injuries than do women, but the proportion of female victims of assault is much higher. The Gender-Motivated Violence Act (part of the Violence Against Women Act) imposes liabilities on employers whose women employees become violence victims.²³⁵ Of all females murdered at work, more than three-fourths are victims of random criminal violence by assailants unknown to the victims. Family members, coworkers, or acquaintances commit the rest. Tangible security improvements including better lighting, cash-drop boxes, and similar steps can help. Women (and men) should have access to domestic crisis hotlines,²³⁶ and to employee assistance programs.



Securing the Facility

As noted, workplace security relates to protecting employees from internal and external security risks (such as robberies and terrorism). This often starts with facilities security.

In simplest terms, instituting a basic facility security program requires four steps: analyzing the current *level of risk*, and then installing *mechanical, natural, and organizational* security systems.²³⁷

At one university, threat assessment team members meet periodically to review potential threats to university students and employees.²³⁸ Such teams ideally start with an analysis of the facility's *current level of risk*. Here, start with the obvious. For example, what is the neighborhood like? Is the facility adjacent to railyards, or roads?²³⁹ Does your facility (such as your office building) house other businesses or individuals that might bring unsafe activities? As part of this initial threat assessment, also review these six matters:

1. **Reception area access**, including need for a “panic button”;
2. **Interior security**, including secure restrooms, and better identification of exits;
3. **Authorities' involvement**, in particular emergency procedures developed with local law enforcement;
4. **Mail handling**, including screening and opening mail;
5. **Evacuation**, including evacuation procedures and training; and
6. **Backup systems**, such as storing data off site.

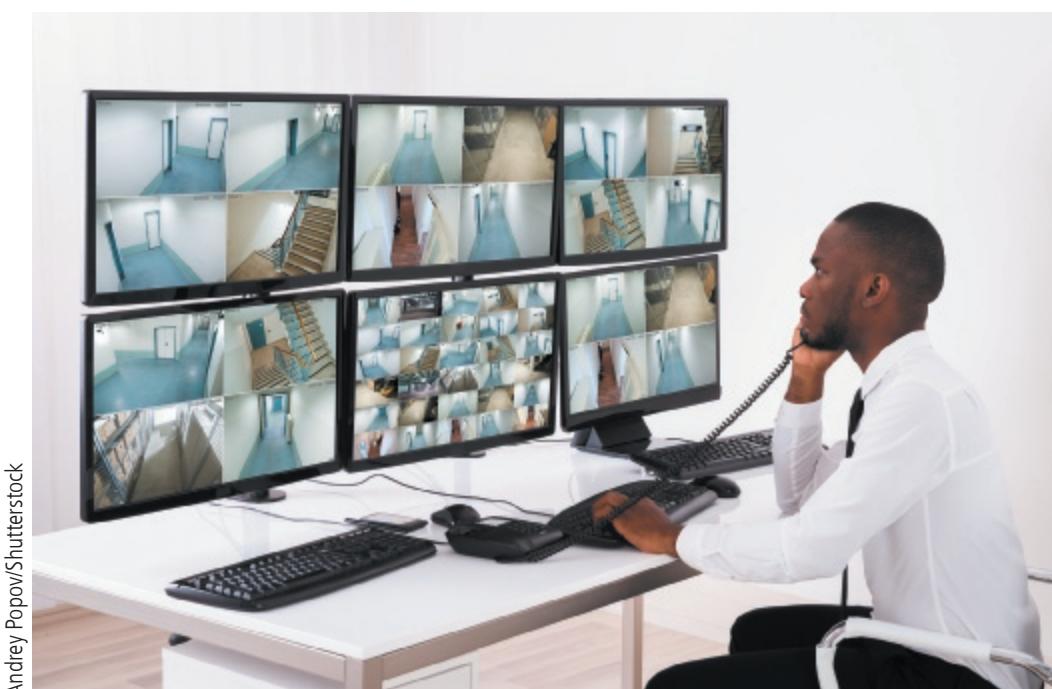
Having assessed the potential current level of risk, the employer then turns to assessing and improving natural, mechanical, and organizational security.²⁴⁰

Natural security means capitalizing on the facility's natural or architectural features to minimize security problems. For example, do too many entrances hamper controlling facility access?

Mechanical security is the utilization of security systems such as locks, intrusion alarms, access control systems, and surveillance systems.²⁴¹ Here make sure to train local employees to use the security devices and that the devices (cameras, and so on) are maintained.²⁴²

Finally, *organizational security* means using good management to improve security. For example, it means properly training and motivating security staff and lobby attendants. Ensure that the security staff has written orders that define their duties,

Many employers install video security cameras to monitor areas in and around their premises.



especially in situations such as fire, elevator entrapment, hazardous materials spills, medical emergencies, hostile intrusions, suspicious packages, civil disturbances, and workplace violence.²⁴³

Remember, however, that facility security *systems* are not enough. In particular, having security personnel who should be watching your monitors staring at their smart phone screens, or guards who should be challenging visitors nonchalantly letting all through, will defeat your systems. At the end of the day, security is as much (or more) an employee selection, training, evaluation, and motivation problem as a mechanical one.



Terrorism

The employer can take several steps to protect its employees and physical assets from the risk of terrorist attack. These steps, now familiar at many workplaces, include the following:

- Screen the identities of everyone entering the premises.²⁴⁴
- Check mail carefully.
- Identify ahead of time a lean interim “crisis organization” that can run the company after a terrorist threat.
- Identify in advance under what conditions you will close the company down, as well as the shutdown process.
- Institute a process to put a crisis management team together.
- Prepare evacuation plans, and make sure exits are well marked and unblocked.
- Designate an employee who will communicate with families and off-site employees.
- Identify an upwind, off-site location near your facility as a staging area for all evacuated personnel.
- Designate in advance several employees who will do headcounts at the staging area.
- Establish an emergency communications procedure, for instance based on text messaging or Twitter.

Cybersecurity

Securing the employer’s physical facility may do little to prevent cyberattacks of the sort that hit Facebook a while ago; similarly, hackers got personal information of about 22 million U.S. federal employees from Office of Personnel Management (OPM) servers.²⁴⁵

Data protection and cybersecurity are specialized areas requiring special expertise. However, some basic guidelines would include: First, *data security is everyone’s responsibility*.²⁴⁶ IT installs firewalls and password systems. However, every employee plays a security role, from the CEO setting policy to first-line employees guarding their passwords. Second, “*old data is bad data*.” In other words, destroy unneeded old personal data (say from five years ago) unless it’s absolutely required. Third, *encrypt*. That includes data in laptops employees carry with them. Fourth, *monitor*. The IT staff should periodically assess cyber risks. Two of many cybersecurity consultants include Kroll,²⁴⁷ and KPMG.²⁴⁸



Business Continuity and Emergency Plans

One source estimates that 40% of companies never reopen after suffering business disruptions from a major catastrophe, so putting a disaster plan in place is imperative.²⁴⁹ Emergency preparedness resources include www.ready.gov and the National Institute for Occupational Safety and Health (www.cdc.gov/niosh/). OSHA requires written emergency action plans.²⁵⁰

To help the employer prepare for potential disasters, the human resource department should develop a plan and identify key responsibilities, make sure all employees are aware of the plan, and train employees regularly.²⁵¹ Such plans should cover *early detection of a problem, methods for communicating the emergency externally, and communications plans for initiating an evacuation*. The initial alarm should come first. The employer should follow that with an announcement providing specific information about the emergency and letting employees know what action they should take.²⁵²

The employer also needs plans for *business continuity* in the event of a disaster. The employer can designate a secure area of the company Web site for emergency employee communications, listing such things as expected hours of operation, facilities opening schedules, and alternative work locations.²⁵³ The disaster plans should include establishing a command center and identifying employees considered essential in the event of a disaster, including responsibilities for each. Business continuity information is available at www.preparemybusiness.org.



TRENDS SHAPING HR: DIGITAL AND SOCIAL MEDIA

Twitter Notifications

Social media such as Twitter are obvious choices for quickly communicating emergency information to large numbers of dispersed individuals. When a tornado hit Bridgeport, Connecticut, a few years ago, the city's administrators used Twitter to tell citizens about things like power outages and blocked roads. The Canadian Red Cross uses social media to publicize preparedness information and respond to questions from affected communities. And emergency managers, utility companies, and the public used social media to share updates on things like shelter locations when Hurricane Sandy struck the Northeast.²⁵⁴ ■

Chapter Review

Chapter Section Summaries

- 16-1. The subject **safety and the manager** concerns managers for several reasons, one of which is the number of workplace accidents. Reducing accidents often boils down to reducing accident-causing conditions and accident-causing acts. However, safety always starts at the top.
- 16-2. Because of this, all managers need to be familiar with **occupational safety law**. The Occupational Safety and Health Act was passed by Congress in 1972 to assure so far as possible every working man and woman in the nation has safe and healthful working conditions, and to preserve human resources. The act created the Occupational Safety and Health Administration (OSHA).
- 16-3. There are three basic **causes of workplace accidents**: chance occurrences, unsafe conditions, and employees' unsafe acts. Unsafe conditions include things like improperly guarded equipment and hazardous procedures. Unsafe acts sometimes reflect personality traits such as impatience and distractibility.
- 16-4. In practice, **how to prevent accidents** boils down to reducing unsafe conditions and reducing unsafe acts. Reducing unsafe conditions is always the first line of defense and includes using checklists and following OSHA standards. There are then several basic approaches to reducing unsafe acts, for instance, through proper selection and placement, training, motivation and positive reinforcement, behavior-based safety, employee participation, and conducting safety and health audits.
- 16-5. The centerpiece of Milliken's safety process is its *involvement-based* employee engagement **program**. Milliken's employees staff the steering and safety subcommittee system, submit "opportunity for improvement" suggestions weekly, review each of these suggestions, and provide feedback on every suggestion.
- 16-6. Most **workplace health hazards** aren't obvious, like unguarded equipment. Typical exposure hazards include, for instance, chemicals, biohazards, and improperly designed equipment. Managing exposure hazards like these comes under the area of industrial hygiene, and involves recognition, evaluation, and control. Stress, burnout, and depression are more serious at work than many people realize, and both the employee and employer can take steps to deal with them. Employers especially need to train supervisors to identify depression's warning signs and to counsel those who may need special services.

- 16-7.** Most employers today have **occupational security and risk management programs**. Heightened security measures are an employer's first line of defense against attacks on workers, and include, for instance, improving external lighting.

Screening can reduce the risk of hiring potentially violent employees. Instituting a basic facility security program involves analyzing the current level of risk, and then installing mechanical, natural, and organizational security systems.

Discussion Questions

- 16-1.** Explain how to reduce the occurrence of unsafe acts on the part of your employees.
16-2. Explain the supervisor's role in safety.
16-3. Explain what causes unsafe acts.
16-4. Describe at least five techniques for reducing accidents.
16-5. Explain how you would reduce stress at work.

Individual and Group Activities

- 16-6.** Working individually or in groups, answer the question, "Is there such a thing as an accident-prone person?"
16-7. Working individually or in groups, compile a list of the factors at work or in school that create stress for you. What methods do you use for dealing with the stress?
16-8. Appendices A and B at the end of this book (pages 614–634) list the knowledge someone studying for the HRCI (Appendix A) or SHRM (Appendix B) certification exam needs to have in each area of human resource management (such as in Strategic Management and Workforce Planning). In groups of several students, do four things: (1) review Appendix A and/or B; (2) identify the material in this chapter that relates to the Appendix A and/or B required knowledge lists; (3) write four multiple-choice exam questions on this material that you believe would be suitable for inclusion in the HRCI exam and/or the SHRM exam; and (4) if time permits, have someone from your team post your team's questions in front of the class, so that students in all teams can answer the exam questions created by the other teams.



- 16-9.** A safety journal presented some information about what happens when OSHA refers criminal complaints about willful violations of OSHA standards to the U.S. Department of Justice (DOJ). In one 20-year period, of the 119 cases OSHA referred to the DOJ, only 9 resulted in prison time for at least one of the defendants. "The Department of Justice is a disgrace," charged the founder of an organization for family members of workers killed on the job. One possible explanation for this low conviction rate is that the crime in cases like these is generally a misdemeanor, not a felony, and the DOJ generally tries to focus its attention on felony cases. Given this information, what implications do you think this has for how employers and their managers should manage their safety programs, and why do you take that position?
16-10. A 315-foot-tall, 2-million-pound crane collapsed on a construction site in East Toledo, Ohio, killing four ironworkers. Do you think catastrophic failures like this are avoidable? If so, what steps would you suggest the general contractor take to avoid a disaster like this?

Experiential Exercise

How Safe Is My University?

Written and copyrighted by Gary Dessler, PhD.

Purpose: The purpose of this exercise is to give you practice in identifying unsafe conditions.

Required Understanding: You should be familiar with material covered in this chapter, particularly that on unsafe conditions and that in Figures 16-6 and 16-8.

How to Set Up the Exercise/Instructions: Divide the class into groups of four. Assume that each group is a safety committee retained by your college's or university's

safety engineer to identify and report on any possible unsafe conditions in and around the school building. Each group will spend about 45 minutes in and around the building you are now in for the purpose of identifying and listing possible unsafe conditions. (Make use of the checklists in Figures 16-6 and 16-8.)

Return to the class in about 45 minutes. A spokesperson for each group should list on the board the unsafe conditions you have identified. How many were there? Do you think these also violate OSHA standards? How would you go about checking?

GENERAL		ACTION OK NEEDED
1.	Is the required OSHA workplace poster displayed in your place of business as required where all employees are likely to see it?	<input type="checkbox"/> <input type="checkbox"/>
2.	Are you aware of the requirement to report all workplace fatalities and any serious accidents (where five or more are hospitalized) to a federal or state OSHA office within 48 hours?	<input type="checkbox"/> <input type="checkbox"/>
3.	Are workplace injury and illness records being kept as required by OSHA?	<input type="checkbox"/> <input type="checkbox"/>
4.	Are you aware that the OSHA annual summary of workplace injuries and illnesses must be posted by February 1 and must remain posted until March 1?	<input type="checkbox"/> <input type="checkbox"/>
5.	Are you aware that employers with 10 or fewer employees are exempt from the OSHA record-keeping requirements, unless they are part of an official BLS or state survey and have received specific instructions to keep records?	<input type="checkbox"/> <input type="checkbox"/>
6.	Have you demonstrated an active interest in safety and health matters by defining a policy for your business and communicating it to all employees?	<input type="checkbox"/> <input type="checkbox"/>
7.	Do you have a safety committee or group that allows participation of employees in safety and health activities?	<input type="checkbox"/> <input type="checkbox"/>
8.	Does the safety committee or group meet regularly and report, in writing, its activities?	<input type="checkbox"/> <input type="checkbox"/>
9.	Do you provide safety and health training for all employees requiring such training, and is it documented?	<input type="checkbox"/> <input type="checkbox"/>
10.	Is one person clearly in charge of safety and health activities?	<input type="checkbox"/> <input type="checkbox"/>
11.	Do all employees know what to do in emergencies?	<input type="checkbox"/> <input type="checkbox"/>
12.	Are emergency telephone numbers posted?	<input type="checkbox"/> <input type="checkbox"/>
13.	Do you have a procedure for handling employee complaints regarding safety and health?	<input type="checkbox"/> <input type="checkbox"/>
WORKPLACE		ACTION OK NEEDED
ELECTRICAL WIRING, FIXTURES, AND CONTROLS		
1.	Are your workplace electricians familiar with the requirements of the National Electrical Code (NEC)?	<input type="checkbox"/> <input type="checkbox"/>
2.	Do you specify compliance with the NEC for all contract electrical work?	<input type="checkbox"/> <input type="checkbox"/>
3.	If you have electrical installations in hazardous dust or vapor areas, do they meet the NEC for hazardous locations?	<input type="checkbox"/> <input type="checkbox"/>
4.	Are all electrical cords strung so they do not hang on pipes, nails, hooks, etc.?	<input type="checkbox"/> <input type="checkbox"/>
5.	Is all conduit, BX cable, etc., properly attached to all supports and tightly connected to junction and outlet boxes?	<input type="checkbox"/> <input type="checkbox"/>
6.	Is there no evidence of fraying on any electrical cords?	<input type="checkbox"/> <input type="checkbox"/>
7.	Are rubber cords kept free of grease, oil, and chemicals?	<input type="checkbox"/> <input type="checkbox"/>
8.	Are metallic cable and conduit systems properly grounded?	<input type="checkbox"/> <input type="checkbox"/>
9.	Are portable electric tools and appliances grounded or double insulated?	<input type="checkbox"/> <input type="checkbox"/>
10.	Are all ground connections clean and tight?	<input type="checkbox"/> <input type="checkbox"/>
11.	Are fuses and circuit breakers the right type and size for the load on each circuit?	<input type="checkbox"/> <input type="checkbox"/>
12.	Are all fuses free of "jumping" with pennies or metal strips?	<input type="checkbox"/> <input type="checkbox"/>
13.	Do switches show evidence of overheating?	<input type="checkbox"/> <input type="checkbox"/>
14.	Are switches mounted in clean, tightly closed metal boxes?	<input type="checkbox"/> <input type="checkbox"/>
15.	Are all electrical switches marked to show their purpose?	<input type="checkbox"/> <input type="checkbox"/>
16.	Are motors clean and kept free of excessive grease and oil?	<input type="checkbox"/> <input type="checkbox"/>
17.	Are motors properly maintained and provided with adequate overcurrent protection?	<input type="checkbox"/> <input type="checkbox"/>
18.	Are bearings in good condition?	<input type="checkbox"/> <input type="checkbox"/>
19.	Are portable lights equipped with proper guards?	<input type="checkbox"/> <input type="checkbox"/>
20.	Are all lamps kept free of combustible material?	<input type="checkbox"/> <input type="checkbox"/>
21.	Is your electrical system checked periodically by someone competent in the NEC?	<input type="checkbox"/> <input type="checkbox"/>

FIGURE 16-8 Self-Inspection Safety and Health Checklist

Source: From OSHA Self-Inspection Checklist for General Industry, from <http://www.safetyhouse.ir/safetyhouse/file/OSHA%20Self-Inspection%20Checklist%20for%20General%20Industry.pdf>, accessed April 10, 2018.

Note: For a more extensive checklist, see "Self-Inspection Checklists," www.osha.gov/Publications/smallbusiness/small-business.html#check, accessed April 10, 2018.

EXITS AND ACCESS		OK	ACTION NEEDED	Develop your own checklist.
1. Are all exits visible and unobstructed?	<input type="checkbox"/>	<input type="checkbox"/>		
2. Are all exits marked with a readily visible sign that is properly illuminated?	<input type="checkbox"/>	<input type="checkbox"/>		
3. Are there sufficient exits to ensure prompt escape in case of emergency?	<input type="checkbox"/>	<input type="checkbox"/>		
4. Are areas with restricted occupancy posted and is access/egress controlled by persons specifically authorized to be in those areas?	<input type="checkbox"/>	<input type="checkbox"/>		
5. Do you take special precautions to protect employees during construction and repair operations?	<input type="checkbox"/>	<input type="checkbox"/>		
FIRE PROTECTION		OK	ACTION NEEDED	These are only sample questions.
1. Are portable fire extinguishers provided in adequate number and type?	<input type="checkbox"/>	<input type="checkbox"/>		
2. Are fire extinguishers inspected monthly for general condition and operability and noted on the inspection tag?	<input type="checkbox"/>	<input type="checkbox"/>		
3. Are fire extinguishers recharged regularly and properly noted on the inspection tag?	<input type="checkbox"/>	<input type="checkbox"/>		
4. Are fire extinguishers mounted in readily accessible locations?	<input type="checkbox"/>	<input type="checkbox"/>		
5. If you have interior standpipes and valves, are these inspected regularly?	<input type="checkbox"/>	<input type="checkbox"/>		
6. If you have a fire alarm system, is it tested at least annually?	<input type="checkbox"/>	<input type="checkbox"/>		
7. Are employees periodically instructed in the use of extinguishers and fire protection procedures?	<input type="checkbox"/>	<input type="checkbox"/>		
8. If you have outside private fire hydrants, were they flushed within the last year and placed on a regular maintenance schedule?	<input type="checkbox"/>	<input type="checkbox"/>		
9. Are fire doors and shutters in good operating condition? Are they unobstructed and protected against obstruction?	<input type="checkbox"/>	<input type="checkbox"/>		
10. Are fusible links in place?	<input type="checkbox"/>	<input type="checkbox"/>		
11. Is your local fire department well acquainted with your plant, location, and specific hazards?	<input type="checkbox"/>	<input type="checkbox"/>		
12. Automatic sprinklers: Are water control valves, air, and water pressures checked weekly? Are control valves locked open? Is maintenance of the system assigned to responsible persons or a sprinkler contractor? Are sprinkler heads protected by metal guards where exposed to mechanical damage? Is proper minimum clearance maintained around sprinkler heads?	<input type="checkbox"/>	<input type="checkbox"/>		
HOUSEKEEPING AND GENERAL WORK ENVIRONMENT		OK	ACTION NEEDED	
1. Is smoking permitted in designated "safe areas" only?	<input type="checkbox"/>	<input type="checkbox"/>		
2. Are NO SMOKING signs prominently posted in areas containing combustibles and flammables?	<input type="checkbox"/>	<input type="checkbox"/>		
3. Are covered metal waste cans used for oily and paint-soaked waste? Are they emptied at least daily?	<input type="checkbox"/>	<input type="checkbox"/>		
4. Are paint spray booths, dip tanks, etc., and their exhaust ducts cleaned regularly?	<input type="checkbox"/>	<input type="checkbox"/>		
5. Are stand mats, platforms, or similar protection provided to protect employees from wet floors in wet processes?	<input type="checkbox"/>	<input type="checkbox"/>		
6. Are waste receptacles provided and are they emptied regularly?	<input type="checkbox"/>	<input type="checkbox"/>		
7. Do your toilet facilities meet the requirements of applicable sanitary codes?	<input type="checkbox"/>	<input type="checkbox"/>		
8. Are washing facilities provided?	<input type="checkbox"/>	<input type="checkbox"/>		
9. Are all areas of your business adequately illuminated?	<input type="checkbox"/>	<input type="checkbox"/>		
10. Are floor load capacities posted in second floors, lofts, storage areas, etc.?	<input type="checkbox"/>	<input type="checkbox"/>		
11. Are floor openings provided with toe boards and railings or a floor hole cover?	<input type="checkbox"/>	<input type="checkbox"/>		
12. Are stairways in good condition with standard railings provided for every flight having four or more risers?	<input type="checkbox"/>	<input type="checkbox"/>		
13. Are portable wood ladders and metal ladders adequate for their purpose, in good condition, and provided with secure footing?	<input type="checkbox"/>	<input type="checkbox"/>		
14. If you have fixed ladders, are they adequate, and are they in good condition and equipped with side rails or cages or special safety climbing devices, if required?	<input type="checkbox"/>	<input type="checkbox"/>		
15. For loading docks: Are dockplates kept in serviceable condition and secured to prevent slipping? Do you have means to prevent car or truck movement when dockplates are in place?	<input type="checkbox"/>	<input type="checkbox"/>		

FIGURE 16-8 Continued

MACHINES AND EQUIPMENT		ACTION NEEDED
		OK
1.	Are all machines or operations that expose operators or other employees to rotating parts, pinch points, flying chips, particles, or sparks adequately guarded?	<input type="checkbox"/>
2.	Are mechanical power transmission belts and pinch points guarded?	<input type="checkbox"/>
3.	Is exposed power shafting less than 7 feet from the floor guarded?	<input type="checkbox"/>
4.	Are hand tools and other equipment regularly inspected for safe condition?	<input type="checkbox"/>
5.	Is compressed air used for cleaning reduced to less than 30 psi?	<input type="checkbox"/>
6.	Are power saws and similar equipment provided with safety guards?	<input type="checkbox"/>
7.	Are grinding wheel tool rests set to within 1/8 inch or less of the wheel?	<input type="checkbox"/>
8.	Is there any system for inspecting small hand tools for burred ends, cracked handles, etc.?	<input type="checkbox"/>
9.	Are compressed gas cylinders examined regularly for obvious signs of defects, deep rusting, or leakage?	<input type="checkbox"/>
10.	Is care used in handling and storing cylinders and valves to prevent damage?	<input type="checkbox"/>
11.	Are all air receivers periodically examined, including the safety valves?	<input type="checkbox"/>
12.	Are safety valves tested regularly and frequently?	<input type="checkbox"/>
13.	Is there sufficient clearance from stoves, furnaces, etc., for stock, woodwork, or other combustible materials?	<input type="checkbox"/>
14.	Is there clearance of at least 4 feet in front of heating equipment involving open flames, such as gas radiant heaters, and fronts of firing doors of stoves, furnaces, etc.?	<input type="checkbox"/>
15.	Are all oil and gas fired devices equipped with flame failure controls that will prevent flow of fuel if pilots or main burners are not working?	<input type="checkbox"/>
16.	Is there at least a 2-inch clearance between chimney brickwork and all woodwork or other combustible materials?	<input type="checkbox"/>
17.	For welding or flame cutting operations:	
	Are only authorized, trained personnel permitted to use such equipment?	<input type="checkbox"/>
	Have operators been given a copy of operating instructions and asked to follow them?	<input type="checkbox"/>
	Are welding gas cylinders stored so they are not subjected to damage?	<input type="checkbox"/>
	Are valve protection caps in place on all cylinders not connected for use?	<input type="checkbox"/>
	Are all combustible materials near the operator covered with protective shields or otherwise protected?	<input type="checkbox"/>
	Is a fire extinguisher provided at the welding site?	<input type="checkbox"/>
	Do operators have the proper protective clothing and equipment?	<input type="checkbox"/>

MATERIALS		ACTION NEEDED
		OK
1.	Are approved safety cans or other acceptable containers used for handling and dispensing flammable liquids?	<input type="checkbox"/>
2.	Are all flammable liquids that are kept inside buildings stored in proper storage containers or cabinets?	<input type="checkbox"/>
3.	Do you meet OSHA standards for all spray painting or dip tank operations using combustible liquids?	<input type="checkbox"/>
4.	Are oxidizing chemicals stored in areas separate from all organic material except shipping bags?	<input type="checkbox"/>
5.	Do you have an enforced NO SMOKING rule in areas for storage and use of hazardous materials?	<input type="checkbox"/>
6.	Are NO SMOKING signs posted where needed?	<input type="checkbox"/>
7.	Is ventilation equipment provided for removal of air contaminants from operations such as production grinding, buffing, spray painting and/or vapor degreasing, and is it operating properly?	<input type="checkbox"/>
8.	Are protective measures in effect for operations involved with x-rays or other radiation?	<input type="checkbox"/>
9.	For lift truck operations:	
	Are only trained personnel allowed to operate forklift trucks?	<input type="checkbox"/>
	Is overhead protection provided on high lift rider trucks?	<input type="checkbox"/>
10.	For toxic materials:	
	Are all materials used in your plant checked for toxic qualities?	<input type="checkbox"/>
	Have appropriate control procedures such as ventilation systems, enclosed operations, safe handling practices, proper personal protective equipment (such as respirators, glasses or goggles, gloves, etc.) been instituted for toxic materials?	<input type="checkbox"/>

FIGURE 16-8 *Continued*