



# **THE FACTS ABOUT COLLECTIVE BARGAINING**

**Everything You Wanted to Know But Weren't Told**



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## *Who Represents You?*

If a majority of NWVS employees vote to be represented by ILWU Local 5, you will be represented by the ILWU.

Employees at SFVS voted to be represented by the ILWU in April. At their first bargaining session on May 30, they were represented by:

- ILWU attorney Emily Maglio
- ILWU Lead Organizer Augustin Ramirez  
<https://www.ilwu.org/contact/executive-offices/>

Employees from SFVS were also present, but the ILWU has a vested interest in controlling what happens:

- The ILWU has targeted VCA and our industry;
- The ILWU will need to make good on their promises or they will lose credibility;
- The ILWU will have an incentive to fight NWVS if they cannot get what they want;
- NWVS employees could be stuck in the middle.



## ***What Is the Process?***

Each side makes proposals for what it wants. ILWU Local 5's Constitution and Bylaws requires **every** contract to include the following provisions:

- **Recognition of Union and Bargaining Unit**
- **Union Security** = All employees in the unit must pay required dues and fees (**or be fired**)
- **Dues Payment** = Union dues and fees come straight out of your paycheck, like taxes
- **Union Access to Members** = Would require NWVS to allow the dockworkers into the hospital during working hours
- **Grievance Procedure**
- **Employee Lists**

Source: ILWU Local 5's Constitution and Bylaws, Amended as of January 24<sup>th</sup>, 2017.

In bargaining, you have to give something in order to get something ... but the ILWU has nothing to give. They will bargain with **YOUR** wages, benefits and working conditions.

What would you be willing to give up so the ILWU can get its Union Security and Dues Payment and other Union-required provisions in a contract?

## *What Are the Risks?*

If the union gets in, all wages and benefits and working conditions will be on the table and subject to **negotiations**.

While we would bargain in good faith if the union got in, there is no guarantee that you would receive improvements in wages or benefits.

The government has warned that:

**“If the union tells you that what you have now is guaranteed, they are not telling you the truth. The truth is that in collective bargaining you can lose wages and benefits.”**

**The union can promise you everything, but they cannot guarantee anything.** The union does not provide your wages and benefits ... the Company does.

In negotiations, if the Company does not agree to something, it does not happen, no matter what the union may have promised you.



## *Negotiations at SFVS*

The election at SFVS was held on April 4-5, 2018. Employees were eager for negotiations to begin.



The first negotiation sessions was not held until May 30, 2018 – **over 55 days later**. A good portion of the time was spent discussing where negotiations would occur, how often the parties would meet, and the details of how things would be done.



The parties have not met since. The parties agreed to meet one day a month in July, August, September and October. The next negotiation session is scheduled for July 17, 2018.

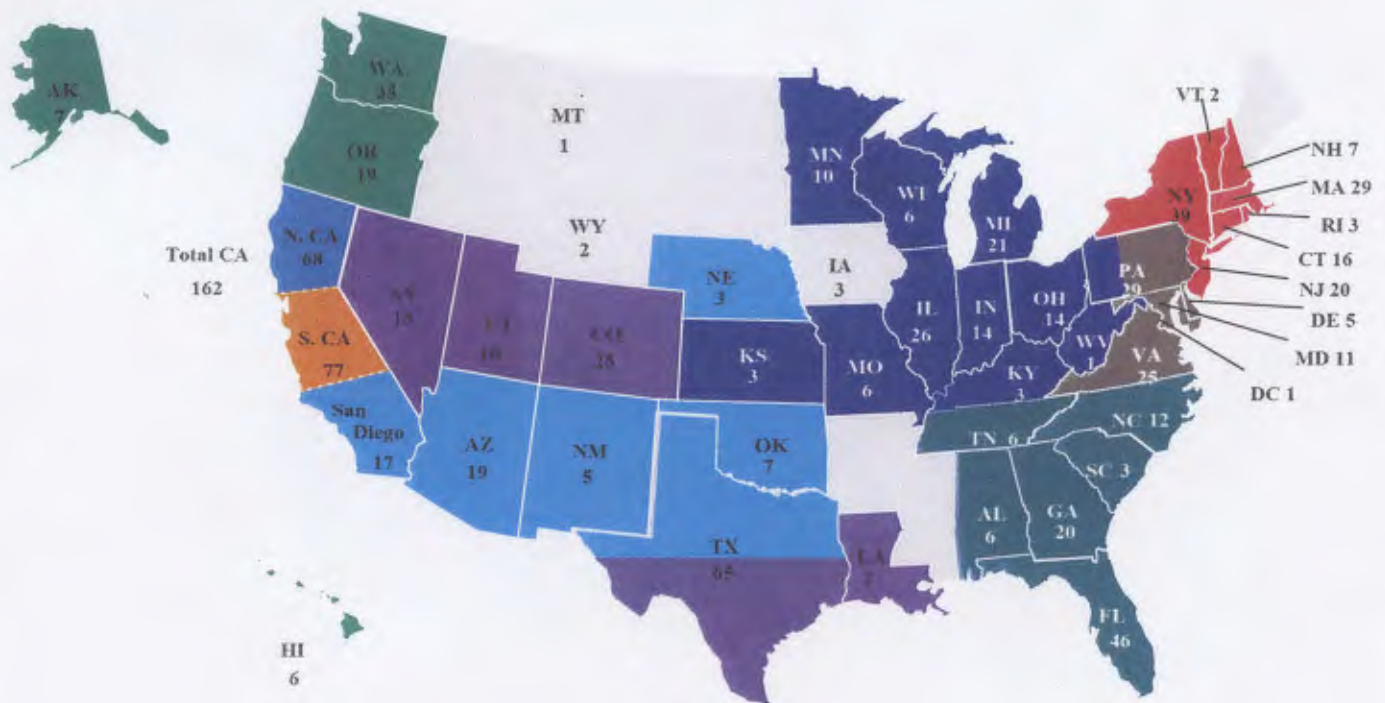


## Power in Negotiations

The law says neither side has to agree to any proposal. So how is a contract negotiated? The answer is often power. If one side has more power, they are able to exert pressure on the other side to agree to certain terms.

The union's most powerful weapon to exert pressure on an employer is a strike. What would you do if the union called a strike? If employees are unwilling to strike, who holds the power at the bargaining table – the ILWU or the Company?

VCA has over 750 hospitals across the United States and continues to expand.



## *How Long Does It Take?*

**FACT:** Collective bargaining can take a long time, especially when bargaining is for a first contract. It can take many months, even years.

**FACT:** In a study conducted by MIT, **87%** of the time, there was **no contract after 1 year**.

**FACT:** In **44%** of the cases in the MIT study, the parties **never reached agreement on a contract**.

We're not saying that collective bargaining would necessarily take a long time, or that VCA and the Union would never reach an agreement. If the Union got in, we would bargain in good faith with them.

But the employees at SFVS voted for ILWU on April 4-5 and they don't have anything to show for it.

Collective bargaining is a legal process that can be long and difficult. If the Union or its supporters are telling you that it will be quick and easy, and that you will get whatever you want, they are not telling you the truth.



## ***The Choice Is Yours***

We're not saying that collective bargaining is futile, or that you would necessarily lose benefits in good faith negotiations.

If the Union got in, we would bargain in good faith with them, but good faith bargaining involves give-and-take and there are no guarantees.

No one can predict what would happen in collective bargaining, and the process can be long and difficult.

If the Union or its supporters are telling you that it will be quick and easy, and that you will get whatever you want, they are not telling you the truth.

**GET THE FACTS. BE INFORMED.  
MAKE THE DECISION THAT'S BEST FOR YOU.**

There is only one way to be sure that you avoid the risks of collective bargaining: **VOTE NO.**

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## WILL THE UNION REPRESENT YOU?

The union wants to convince you that you should pay them to represent you. **But many union members have filed legal charges against the ILWU for failing to represent them and for other unlawful conduct.** These charges are a reminder that the union doesn't know us or our industry:

### NLRB Case 8-CB-193349

The Union representative told the Company: "It will be dangerous if [employee] shows up to work and is not a member of the union."

### NLRB Case 21-CB-174420

The Union interfered with a union member who protested against discrimination: "1) failing to provide her with an application for a posted promotion ... 2) urging her co-workers not to support her efforts to seek redress for past discrimination and 3) joining with the employer in its efforts to undermine the member's claim of discrimination."

### NLRB Case 19-CB-116926

The Union representative "retaliated against me for filing sexual harassment charges against him and his co-worker friend ... created a hostile work environment for me and my son ... made sexual expletive visual behavior towards me"

### NLRB Case 12-CB-204296

The Union failed to reinstate an employee who complained to the federal government: "I am being retaliated against because of my criticism of union officers."

These are just some of the hundreds of charges that have been filed against the ILWU. These employees also were told "you are the union," but they learned that when you designate an outside group to be your legal representative, you give them rights over your employment and you are no longer in control.

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## **WHO WILL SPEAK FOR YOU?**

If the union is voted in, union officials (including stewards) will speak for you at work. Even if you didn't want the union. Even if you want to speak for yourself.

They speak for you in any dispute about wages or working conditions.

Including disciplinary actions.

They will have the power to make all decisions for you.

They can decide if your grievance has merit or not, without explanation.

They can cut a deal with your employer about you, without your approval.

They can make a deal that costs you your job.

If they screw up your grievance (miss a deadline, for example)

You bear the consequences of their mistake.

Your union steward is often that person who pushed the most to get the union in.

According to Local 5's bylaws, the union will appoint your shop steward.

There are no guarantees that someone you trust will get appointed. So ...

## **WHO WILL SPEAK FOR YOU?**



## Communication: How's It Been So Far?

Union supporters have worked hard to prevent employees from going to meetings and getting factual information about the union. Why? NWVS has provided you with factual and verifiable information.

**Let's take a look at how things have progressed in recent weeks:**

THE UNION	NWVS
Organizing committee formed in secret, excluded those who disagreed	Held open meetings and invited all to attend
Misrepresented the facts about union cards and the legal process	Provided factual, verifiable data and information
Actively discouraged employees to attend meetings and get information	Encouraged employees to listen to and get information from all sides
Excluded employees from union meetings and emails	Held open meetings and invited all to attend; communicated to all
Divided the workforce with bullying tactics and by shunning those with different views	Encouraged employees to work together; treated everyone with dignity and respect
Attempted to undermine your right to vote in a democratic election by demanding recognition based on cards	Encouraged employees to vote in an official secret ballot election to make this critically important decision

The NLRB believes that you should have factual information to make this important decision: "Among the factors that undoubtedly tend to impede [employee free choice] is a lack of information with respect to one of the choices available. **In other words, an employee who has had an effective opportunity to hear the arguments concerning representation is in a better position to make a more fully informed and reasonable choice.**" Excelsior Underwear, 156 NLRB 1236, 1240 (1966).

If this is how the union is behaving when they are trying to *win* your vote, what will they be like when they don't need your vote?

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## Today Your Private Life Stays Private. That Could Change if the Union Gets In.

If you vote to be represented by the ILWU, you are voting to let the Union speak for you in negotiations and you agree to be bound by whatever they negotiate, whether you like it or not. But if the ILWU gets in, you give away other rights, too. For example, if the union gets in, they can do these things even if you object:

- The Union can have access to **your personnel file** and they do not have to get signed consent from you. *See New Jersey Bell Telephone Co., 289 NLRB 318.*
- The Union can have access to **your confidential medical history** if it relates to scheduling or other requests for a reasonable accommodation. *See Roseburg Forest Products, 331 NLRB 999.*
- The Union can have access to information about **the medical claims made by each employee and the payment of those claims.** *See United States Testing Co., 324 NLRB 854.*
- The Union must be given the opportunity to be **present at any meeting you have with a supervisor** to resolve a work-related problem or address a contractual issue. *See NLRA Section 9(a).*
- The Union may demand the **disclosure of personal information** as part of collective bargaining (including personal data, names of employees receiving workers' comp. benefits, employees on sick leave and any other leaves of absence, and status of claims for disability benefits). *See Union information requests and collective bargaining agreements.*

If you think these things are not anyone's business, and if you do not want the union or union stewards to have access to information like this, you still have the right to say NO. But if the union gets in, you will not have that right.

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## YOUR PERSONAL INFORMATION

NWVS has been working with the NLRB and has agreed on the details of the election that will be held on Tuesday, July 3 and Thursday, July 5. We want you to know one of the important ways in which this process will affect you:

**WE ARE REQUIRED BY LAW TO GIVE YOUR PERSONAL CONTACT INFORMATION TO THE UNION.\*** We are required to give to the union a list of employees' names, home addresses, home phone and cell phone numbers, and personal email addresses (if we have them). We will be required to turn over this information by Tuesday, June 19.

**YOU WILL BE CONTACTED BY THE UNION BUT YOU DON'T HAVE TO SPEAK WITH THEM.** Union representatives may come to your home, call you, text you or send you emails to try to convince, cajole or pressure you to support them. It is up to you to decide whether you want to speak to them on your own time. You can always say no.

**YOU HAVE THE RIGHT TO KNOW THE TRUTH AND TO MAKE A DECISION WITHOUT PRESSURE.** Many employees have already said that they want to work with VCA and NWVS before taking the chance that SFVS took with the union. The decision to be represented by a union is almost impossible to reverse, and should be made very carefully.

**IF THE UNION GETS IN, THIS IS JUST THE BEGINNING.** If you don't like the fact that your personal contact information is being disclosed to strangers, you should know that if the union gets in, they will have access to your personnel file and all work-related information about you. In some cases, this can include access to certain medical information.

\* Source: NLRB Rules & Regulations, Section 102.62(d).



## What Could Your Union Dues Could Look Like As a Member of ILWU Local 5

If a majority of employees vote for the dockworkers union, Local 5's constitution requires that **ALL** contracts contain a union security clause. This means you would be forced to pay dues to Local 5 **just to keep your job** if a contract was negotiated. Based on Local 5's constitution and financial reports filed with the federal Department of Labor, dues are 1.8% of your gross pay! That means:

If your pay rate is:	Annual Dues	Dues Paid During a 3-Year Contract	Dues Paid Over 10 Years
\$15.00 per hour	<b>\$561.60</b>	<b>\$1,684.80</b>	<b>\$5,616.00</b>
\$18.00 per hour	<b>\$673.92</b>	<b>\$2,021.76</b>	<b>\$6,739.20</b>
\$22.00 per hour	<b>\$823.68</b>	<b>\$2,471.04</b>	<b>\$8,236.80</b>

Source: ILWU Local 5's Constitution, Article 6 and Local 5's LM-3 Report filed with the Department of Labor on February 27, 2018. See <https://olms.dol-esa.gov/query/orgReport.do>

What would you get in return from the union for your hard-earned money? **Maybe nothing.** The union cannot guarantee anything: not wage increases, not better benefits, not job security.

**YOU CAN AVOID THE RISKS OF UNIONIZATION AND THE HIGH COST OF UNION DUES BY VOTING NO.**

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