

Salting Abuse

ISSUE:

"Salting" abuse is the intentional placing of trained union professional organizers and agents in a merit shop facility to harass or disrupt company operations, apply economic pressure, increase operating and legal costs, and ultimately put the company out of business. The objectives of the union agents are accomplished through filing frivolous and unfair labor practice complaints or discrimination charges against the employer with the National Labor Relations Board (NLRB), the Occupational Safety and Health Administration (OSHA), and the Equal Employment Opportunity Commission (EEOC). Salting campaigns have unfortunately been used successfully to cause economic harm on construction companies and are quickly expanding into other industries across the country.

Salting is not merely an organizing tool. It has become an instrument of economic destruction aimed at non-union companies that has nothing to do with organizing. Unions send their agents into open shop workplaces under the guise of seeking employment. Hiding behind the shield of the National Labor Relations Act, these "salts" often try to destroy their employers or deliberately increase costs through various actions, including workplace sabotage and frivolous discrimination complaints with various agencies.

The unions and their agents argue that they have the right to organize and be hired to work on a merit shop jobsite. While unions have the right to attempt to organize workers, open shop companies and their employees also have the right to refrain from supporting union activities and be free from unwarranted harassment. Common sense tells us that employers should be entitled to some measure of confidence when making hiring decisions and that the job applicants they consider are motivated by the desire to work for that employer.

It is unethical for any group to manipulate the law to injure or destroy competitors. Salting abuse uses coercive governmental power to accomplish the unions' goals, rather than competing honestly and fairly based on merit. It is unfair for the government to compel an employer to subsidize a union organizer's disruptive behavior in the workplace -- businesses should be able to hire people who truly want to work for that company. The government should not use taxpayers' dollars to support a flawed system that allows tens of thousands of cases to be brought against employers which are later dismissed as having no merit.

IMPACT:

On the Industry: Union salting procedures are driving-up costs for the targeted merit shop construction companies. In defending themselves against false and frivolous charges, employers incur thousands of dollars in legal expenses, delays, and lost hours of productivity in time fighting meritless charges.

On Consumers and the Community: The unions' efforts against merit shop competitors result in an increase in the cost of business and the products it provides the consumer. Their unscrupulous methods of attempting to regain market-share are removing the healthy competition from having merit shop

firms in the marketplace. Frivolous salting charges cost companies significant time, money, and resources to defend themselves against these meritless complaints, which prevent employers from hiring more employees, investing in better equipment, and securing more work to grow the company and provide additional jobs in the community.

Impact on Taxpayers and the Federal Budget: Since federal agencies pay all of the costs to investigate and prosecute these frivolous complaints filed by the union salts, the American taxpayer is funding the defense of unscrupulous, anti-competitive and often extortionist behavior. Moreover, investigating frivolous complaints wastes limited federal agency resources that could be better spent at the NLRB, OSHA and EEOC. Ultimately, it is the American taxpayer who loses, by having hard-earned tax dollars go to sustain the unions' tactic of generating frivolous charges and lawsuits.

STATUS:

ABC strongly supports the "Truth in Employment Act of 2007" (H.R. 2670 and S.1570), introduced by Representative Steve King (R-IA) and Senator Jim DeMint (R-SC). This legislation would amend section 8(a) of the National Labor Relations Act (NLRA) to make clear that an employer is not required to hire any person who seeks a job in order to promote interests unrelated to those of the employer. This change would in no way infringe upon any rights or protections otherwise accorded employees under the NLRA. It would also alleviate the legal pressures imposed upon employers to hire individuals whose overriding purpose for seeking the job is to disrupt the employer's workplace or otherwise inflict economic harm.

ABC will continue to work with the House Education and the Labor Committee and the Senate Health, Education, Labor and Pension Committee to educate Congress about the detrimental impacts of union salting.

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