Summary

“Salting” abuse is the placing of trained union professional organizers and agents in a nonunion 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 procedure 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 been used successfully in the construction industry and are quickly expanding into other industries across the country. The Resolution in Opposition to Salting (Harassing or Disruptive Union Organizing) affirms the principle that salting activities are contrary to good public policy and urges Congress to pass legislation so that employers are not required to employ any employee or agent of any other person, where the employee or agent seeks access to the employer’s workplace in furtherance of their other employment or agency status.

Model Resolution

WHEREAS, the unions’ avowed purpose in these salting campaigns is to harass the company, its employees, and to disrupt the workplace until the company is financially devastated or its employees agree to join the union; and

WHEREAS, in defending themselves against these frivolous charges, employers must incur thousands of dollars in legal expenses, delays and lost hours of productivity in time spent fighting the charges, and risk jeopardizing their business through excessive problems they may not endure; and

WHEREAS, unions have trained their members to use state and federal regulatory agencies, including, but not limited to the NLRB, OSHA, and EEOC as offensive weapons against nonunion employers; and

WHEREAS, such agencies waste limited resources investigating frivolous complaints and several small companies have literally been driven out of business defending against such complaints; and

WHEREAS, a manager who finds a particular employee to be disruptive in the workplace, regardless of labor affiliation, should be free to exclude that disruptive employee from the workplace without fear of receiving an unfair labor practice charge; and

WHEREAS, in the recently decided Town & Country case, the U.S. Supreme Court held that paid professional union organizers are “bona fide” employees, and therefore, protected under the National Labor Relations Act (NLRA); and

WHEREAS, union’s salting tactics frequently result in an abuse of the hiring process and the harassment of employees without serving the interests of any bona fide employees;

NOW THEREFORE BE IT RESOLVED, that the State/Commonwealth of (insert state) affirms the principle that salting activities are contrary to good public policy and urges Congress to pass legislation so that employers are not required to employ any employee or agent of any other person, where the employee or agent seeks access to the employer’s workplace in furtherance of their other employment or agency status.

1996 Sourcebook of American State Legislation