

Picketing

International Association of Heat and
Frost Insulators and Allied Workers



New Officers' Training

Picketing and the First Amendment

- Not fully protected
- Speech and conduct
- Conduct may be regulated
- NLRA severely limits secondary picketing



Types of Picketing

- Secondary (unlawful)
- Consumer Boycotts
- Recognitional
- Area Standards
- Informational



State Courts Can Enjoin Picketing to Protect Public Safety



Two Questions

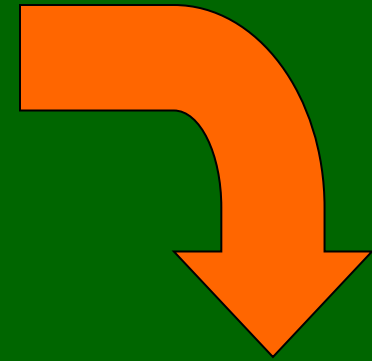
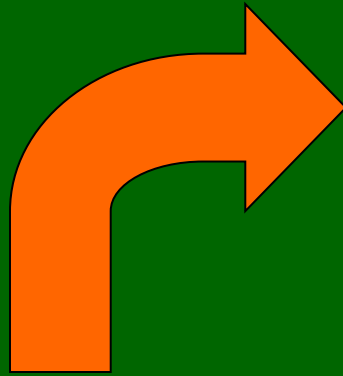
- Is it secondary?
- Is it recognitional?



Secondary Conduct



Bob's Widget Factory



Supplier

Purchaser

Construction Project

- Developer
- Bank
- Construction Manager
- General Contractor
- Contractors
- Insulation Subcontractor
- Stores
- Radio Stations



Try-N-Save Department Store

General Sneeze Contracting

No Good Mechanical



Ratboy Insulation

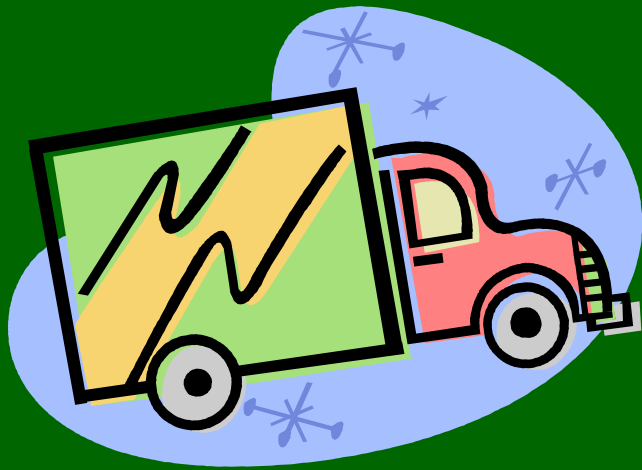
Big Bucks Savings and Loan

Other Prohibited Secondary Activity



- **Blocking Entrances**
- **Patrolling**
- **Affinity Shopping**
- **Loud Noise**

Primary Picketing



Ratboy
Insulation

Consumer Picketing

- Can picket secondary store to urge customers not to purchase nonunion or struck product (“Don’t buy nonunion grapes at Safeway.”)
- Cannot picket to urge customers not to patronize store because it sells nonunion or struck product (“Don’t shop at Safeway.”)



Common Situs Picketing

- Where you can picket
- When you can picket
- What the signs should say



Where? (reserved gate doctrine)

- At the reserved gate
- Not at the neutral gate
- Employees or suppliers of primary may taint neutral gate
- Reserve gate cannot be hidden from public



Reserved

Ratboy Insulation

ABC Mechanical

Neutral

XYZ Electrical

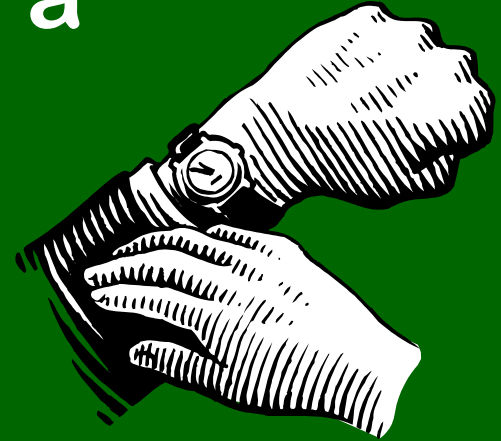
Neutral Gate Observer

- Cannot carry picket signs
- Should not patrol
- Wear apron identifying him as observer
- Camera to photograph employees and suppliers of primary



When?

- When employees of the primary are working there
- Employer may provide a schedule



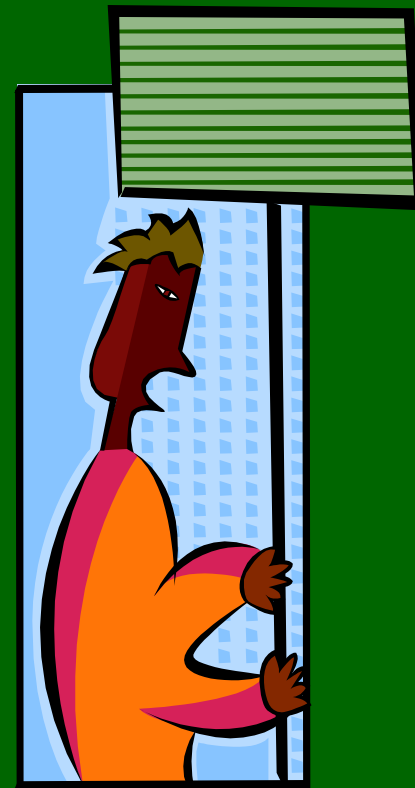
What should the signs say?

- Identify the primary employer
- Disclaimer: Our dispute is with Ratboy Insulation and not with any other employer



Recognitional Picketing

- Picketing in which an object to force an employer to recognize or bargain with a union
- Cannot continue for more than 30 days without filing a representation petition



Don't Do This:

- Picket signs addressed to employees rather than to public
- Ask employees to join the union
- Picket immediately after asking for recognition
- Tell contractor that pickets will be removed if he signs an agreement

Area Standards Picketing

- Picketing to notify the public that the the employer is providing substandard wages and benefits
- Not limited to 30 days. It can continue indefinitely



Area Standards Picketing

- Investigate wages and benefits
- Total economic package must be substandard (not just wages)
- Can't demand that employer adopt non-economic terms of agreement
- Sign should clearly state that contractor is not paying area standards

NOTICE
RATBOY INSULATION
Is Destroying Area
Building Industry Standards

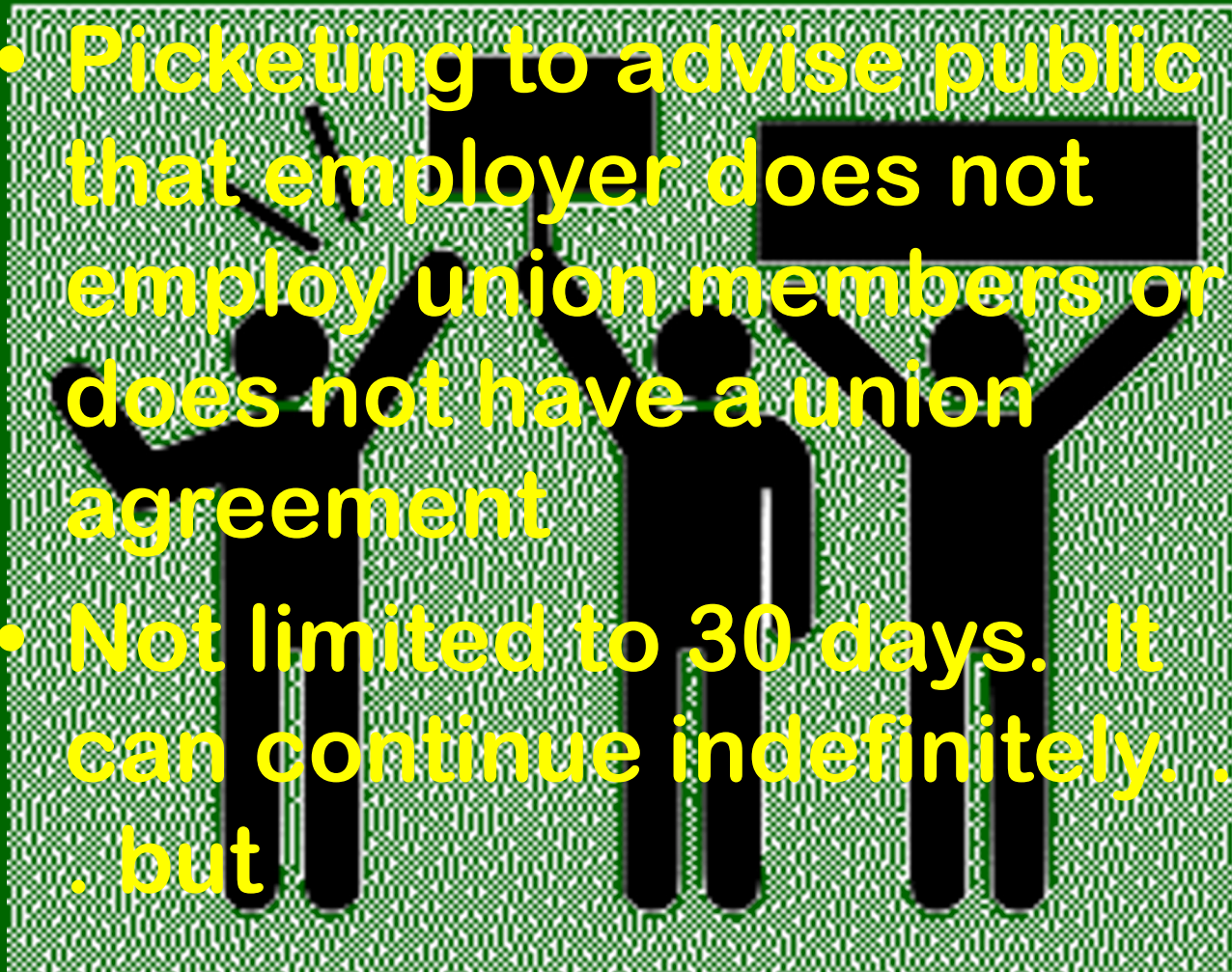
WE PROTEST
THIS COMPANY
Not Observing Our
WAGE AND BENEFIT STANDARDS

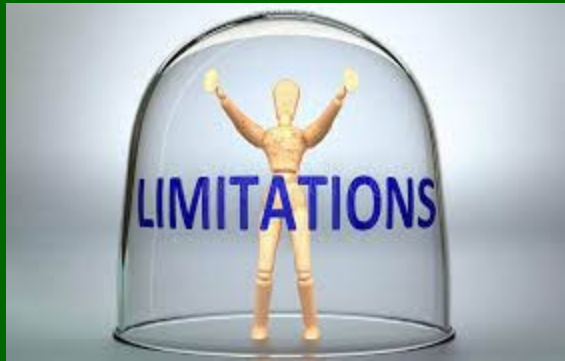
INSULATORS LOCAL UNION ____

We are appealing only to the public. We are not seeking to induce any person to
cease work or to refuse to make deliveries

Informational Picketing

- Picketing to advise public that employer does not employ union members or does not have a union agreement
- Not limited to 30 days. It can continue indefinitely. . . .
. but





Limits on Informational Picketing

- Must be aimed at public and not at employees
- Cannot cause employees to refuse to work or to pick up or deliver goods
- Disclaimer: We are appealing only to the public. We are not seeking to induce any person to cease work or to refuse to make deliveries

Ratboy Exercise

- Ratboy Insulation is nonunion
- Wage/benefit package is \$10 less than local's
- Ratboy is on stadium project
- Reserved and neutral gates:
 - Gate 1: electrical, painting
 - Gate 2: Ratboy and its suppliers
 - Gate 3: Everyone else
- Ratboy send letter that Ratboy will be on site only from 7 pm to 5 am
- All others working 7am to 3 pm
- What type of picketing?
- Where can you picket?
- When can you picket?
- What should the picket sign say?

What you Should Remember

- You cannot picket secondary employers
- Where and when picketing occurs and what signs say are important
- Area standards often the best option
- Informational picketing is limited
- Consider other lawful forms of secondary pressure