There is always the possibility that negotiations may result in a strike, and there are some important considerations that management should consider should a strike occur.

Perhaps one of the most difficult problems facing an employer association during a strike is keeping its members in line and securing support from nonmember contractors. It is also necessary to gain the support of the owners and general contractors for your bargaining position when an employer association takes a strike, because owners and general contractors may attempt to put pressure on individual contractors to continue working on their job during the strike.

The employer association should check jobsites to determine that none of the employees of the striking trade are employed and to determine that other employers are not employing strikers in other areas. Management should seek lawful cooperation from employers in other areas.

In order to maintain the cooperation of the employers within the association constant communications should be established primarily over the telephone or in daily meetings. Any independent contractors should also be encouraged to support the position of the negotiating employers.

The union may possibly attempt to get independents and even members of the bargaining group to sign short form agreements in which the employers agree to the union’s final demands. This is a tactic designed to break up multi-employer bargaining strength and may be illegal, even in strike situations. A strike is not synonymous with impasse.

Unless an impasse is reached, a union has no right to seek to negotiate with the employer members of the trade association individually, but must continue to deal with the management bargaining committee. Any attempts by the unions to use the short form agreement or deal with the contractor members during a strike should be met with an unfair labor practice charge on behalf of the association.

Continue to Negotiate

By all means continue to negotiate with the union. Management negotiators should be ready to meet at any time during the strike, and the chief management negotiators should be very alert for any opportunities for any sidebar discussions with union negotiators, or possibly with international union officials. Frank outside discussions may be held which often increase the possibility of settling the strike.

During an economic strike an employer can replace the striking employees with new employees or the employers might consider the feasibility of performing struck work with other trades. These options may rarely be feasible in a broadly based strike among all craft members in a particular locality.

The other alternative is just riding out the strike. Remember that a strike not only interferes with the work of the contractors involved but also a strike means that the union members are not employed.

In addition, other union members will be unemployed if the striking craft pickets or interferes with the progress of the jobs.

Pressure Grows

If the striking employees continue unemployed and the employer association continues negotiating, normally a settlement will be reached in a reasonable amount of time. If a contractor is on the verge of throwing in the towel and signing up because of financial pressure or other pressures, try to encourage him to hold out and appeal to his sense of fair play. In particular the employer association should attempt to ease the pressure if it is coming from an owner or a general contractor.

The management committee should check the legality of the strike. They should check to see if the union has complied with the provisions of Section 8 (b) of the National Labor Relations Act and if the union has sent the required 60 day notice to the Federal Mediation and Conciliation Service.

Obviously, a strike by a union during the 60 day period or 30 day period is illegal and injunctions should immediately be sought. Similarly, injunctions should be obtained against a union which strikes in violation of a no-strike clause during the term of an agreement or in violation of an agreement to arbitrate the unsettled issues under the joint council clauses which typically appear in the electrical, mechanical and sheet metal contracts. If the strike is illegal, then the association should consider also filing damage suits against the union.

When the strike is settled, there is normally great relief by all parties concerned, but no matter how frazzled both parties may be do not let down the guard until management and the union put the settlement down in writing.