

**Starside Security & Investigation, Inc.  
Strike and Labor Unrest  
Planning Manual**

**By**

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## **Strike Plan Preliminary Considerations**

General planning considerations when faced with a possible strike or labor stoppage can be separated into three main stages of planning, pre strike, active strike, and post strike. While these three stages will be controlled by a number of factors, it is important to note that one comprehensive security orientated plan will dictate actions(s) taken.

Prior to the expiration of the collective bargaining agreement, management must evaluate the unions position and possible factors which point toward a strike or work stoppage.

Management should be aware these factors, especially contract strike provisions contained in the collective bargaining agreement. Failure to address these provisions could result in allegations of unfair labor practices by company representatives. It is advisable that the company seeks legal council to guide its managers through applicable labor laws, primarily the National Labor Relations Act, "NLRA" 29 U.S.C. 151- 169.

Based on information that a strike or work stoppage is imminent management must address and provide solutions to anticipated operational problems so contingency plans can be developed in conjunction with a comprehensive strike plan. It is imperative that management is aware and in agreement with the overall plan of action as to how the business operations will be conducted during the strike or planned work stoppage.

Management must realize that if the business is to remain operational during any strike or work stoppage the company has a responsibility and duty to abide by all provisions of the labor contract and not engage in any activity which would violate it. Any security operatives or contractors have a duty to abide by the contract provisions and to remain neutral and impartial in all actions relating to any work stoppage or strike action.

Important issues to consider in developing a security plan during a strike include the following:

1. What type of strike is the union conducting?
2. Is the strike for economic or unfair labor practices, or both?
3. Will all the business operations continue as usual during the strike?
4. If so, what departments?
5. Approximately, how many employees will work during the strike?
6. What will be the work schedule of workers and management?
7. How will the workers and management access the building?

8. How will customers and vendors access the building?
9. How the parking lots will be secured and protected?
10. Will the facility continue to make and accept shipments?
11. What will be the management hierarchy during the strike?
12. How long will the revised management hierarchy remain in place?
13. Should the union conduct the strike in an unlawful fashion, will civil and/or criminal complaints be filed?
14. To what extent, if any, will management document the events and occurrences and, if any, incidents, during the strike?

Management must resolve these issues prior to the commencement of the strike. Once the above questions are answered and management is in agreement in how to proceed, procedures can be developed to cover the following areas: Business operations, Building Access, Parking Access and Control, Size and Make-up of Workforce, Shipping and Receiving, Management Hierarchy, Documentation of Strike Events, and Policy for filing Civil and/or Criminal complaints.

### **The General Plan During the Strike**

Once management has answered the preliminary questions, a strike operations plan can be developed. The plan should contain following information, and additional information as management sees fit:

1. Security mission objective during the strike.
2. Size, organization, and deployment of the security force.
3. Establishment of direct communication network between the security force supervisors and management, and needed local law enforcement.
4. Agreement of guidelines to be implemented and followed by management hierarchy.
5. Layout of security operations and securing of the overall installation.

6. Overall business operations during the strike, including worker and management schedules
7. Overall security of logistical operations, both receiving and shipping, as necessary.
8. Documentation of the strike activities: eyewitness written reports, video camera and other surveillance use.
9. Compliance with Government security protocols (as necessary based on your business-type), and operational needs.
10. Establishment and securing of access routes to the building for both workers and management.
11. Mapping of buildings and premises, including parking lots and any annex buildings.
12. Establishment of key security point locations.

### **The Role of Security**

Starside Security & Investigation, Inc.'s primary role is to assist in controlling any incidents of violence. Management must understand what Starside Security & Investigation can and cannot do. Generally, open observation of open activity of the union is lawful. *See Roadway Package System*, 302 NLRB 961 (1991). However, use of devices that go beyond ordinary and casual observation of public union activity is unlawful. *See Sands Hotel & Casino*, 306 NLRB 172 (1992). Absent proper justification, photographing employees engaged in protected concerted activities constitutes unlawful surveillance because it has a tendency to intimidate employees and interfere with the exercise of Section 7 rights. *See Labor Ready, Inc.*, 327 NLRB 1055 (1999).

Therefore, it is Starside Security & Investigation, Inc.'s policy to be mindful of this during its function to avoid unfair practices. Starside Security & Investigation, Inc. officers will limit the number of access points to your building in order to minimize the interaction between management and non-striking employees and the striking employees. In our experience, Starside Security & Investigation, Inc. has found this method reduces the number of incidents and acts of violence.

As with most things in life, strikes bring no absolute predictable course of action from workers or management. There can never be any guarantees during a strike. Non-striking employees, management, and even security personnel may be required to remain at the business, even to sleep and eat, in order not to attempt picket line crossings. Starside Security & Investigation's role is to protect the people and property from acts of violence. Depending on the events of the strike, a sub-plan may have to be altered or adjusted to address any new incidents or activities. In extreme cases, an entire new security plan may need to be developed to address changing activity or incidents.

## **Security Recommendations for Strike Action**

1. Establishment of escort services of employees across picket line. Vans driven by ODO or security personnel. ( Lead and chase vehicles driven or staffed by ODO's)
2. Local law enforcement presence at time of mass movement of employees across picket lines.
3. Meeting(s) with local police agency administrators, company executives, and security managers to establish report, support, and understanding of issues regarding strike.
4. Ask for commitment and outline responsibilities and duties of all concerned parties.
5. Provide highly trained key security personnel for placement at all strategic points of entry and location of operational company assets. Usage of trained personnel will alleviate anxiety and vulnerability, provide assessment and evidence gathering capabilities, and facilitate the presence of a highly visible security presence.
6. Provide escort service with ODO personnel to vendors, company vehicles.
7. Provide secure parking location off company property for parking of employees.
8. Placement of Security Director or Manager on executive management team for creation of and execution of fundamental operational, and security issues and procedures.
9. Conduct a facility assessment including executive homes, distribution points, and off site meeting and lodging sites.
10. In-house training of company personnel in dealing with strike associated issues such as verbal or physical abuse, entry and exit procedures from company property, and interaction with on strike personnel.
11. Provide protection for employees singled out by striking personnel and any promoted union non-strike personnel.
12. Establish evidence collection and reporting procedures using CCTV with pan-tilt capability, cameras with time coding capability, also provide access and usage of video, still photography, audio and employee affidavits.

Use of this collected evidence can be used to counter the unions unfair labor practices charges in addition to documenting picket line misconduct, and violations of labor laws by the union or its members. Company attorneys can use this collected data to file unfair labor practice lawsuits against the union should the need arise.(Issues physical or verbal abuses, damage to company property ET.)

13. Establishment of a consistent security staffing to insure reduced turnover. This will promote a bond between employees and security personnel. It also encourages interaction and open communication between employees, security personnel and company representatives. This open communication will assist in problem solving of issues of concern in a timely and cost efficient manner.
14. Establishment of a company media representative or spokesperson to deal with the media and train other managers in dealing with the media.
15. Establishment of a non-confrontational working relationship with striking personnel to preclude tainting the company's future relationship with the work force. Any action taken should be firm, fair, and within all legal and moral guidelines.

Starside security personnel will aid in gathering witness statements and reporting incidents to local law enforcement. Starside Security & Investigation, Inc.'s principal aim is to make sure that a sufficient police force is on hand, if needed, to prevent violence and to enforce all applicable laws.

### **Plan and Issues After the Strike**

After the strike, management needs to review all the information that was gathered during the strike including any documentary coverage that may have been produced. Upon review of the material, management can decide how to return business operations to normal, and decide whether, if needed, file civil and/or criminal complaints. It is important to remember that Starside Security & Investigation must refrain from documenting legal activities, but will document illegal activities as fully as possible. The documentation may be required or useful for, but not limited to, the following cases: in support of or in proof of any civil and/or criminal complaints, applying for state or federal injunctive relief, supporting and/or defending against an unfair labor practice hearing for the National Labor Relations Board and/or any California state labor agencies.

A post-strike report should be prepared as soon as possible after the strike. Information gathered by Starside Security & Investigation, Inc. should be incorporated into such a report which should include, but not limited to the following: total incident count, and incident-classification, i.e. fire, vandalism, assaults and batteries, trespass by person and/or vehicle, threats made to or intimidation of workers and/or management, and incidents of sabotage.

In summary, the strike will eventually end, and the business operations will resume to normal. It is important to remember that Starside Security & Investigation, Inc. is available to aid management during this recovery period.

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