

What he advocated
for the rights of



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What unfair labor practices may have occurred?

Although Pete Ross went against the stipulation in the Employees' Handbook that prohibited consumption of alcoholic beverages within the company premises, the company's supervisor, George, seem to have hoarded some hatred towards Ross. The discharge of Peter Ross was unfair labor practice because out of hatred, George requested and supported his discharge. The plant manager perceived the discharge as routine but rooted for punishment rather than discharge in order to support first-line managers. Furthermore, other machinists read mischief in the discharge of Ross for according to them; it was not just another routine practice.

The machinists had many fears that the company was at liberty to discharge them unfairly, just as Ross and this prompted them to join the union. Despite the fact that Ross did quality work, George ironically blurted to that the company did not need quality but quantity work. This remark underscores the hatred that George harbored towards Ross and therefore it is evident that Ross lost his job unfairly. Termination of John Briggs was another unfair labor practice. The company terminated him because he advocated for the rights of machinists by encouraging them to join International Association of Machinists Union. John Briggs advised other machinists to join the union as a way of protect themselves against unfair labor practices by their employer. All through his dealings, John Briggs acted within the law but the employer felt threatened by his efforts thus discriminatively terminated his contract on false grounds that, he was unproductive and continually absent in past year.

According to Alberta Labour Relation Board, no employer “...shall refuse to employ ... or discriminate against any person in regard to employment or any term or condition of employment because the person is a member of a trade union or an applicant for membership in a trade union” (2003, p. 4).

This provision prohibits employers from preventing or undermining the efforts of employees from participating in their respective trade unions.

Therefore, termination of John Briggs due to his participation in the International Association of Machinists was an unfair labor practice.

Should management offer reinstatement to Pete Ross or John Briggs?

The company management should offer reinstatement to John Briggs because the employer violated his rights of participation in the trade unions.

Unlike Pete Ross who went against provisions in the Employees’ Handbook, John Briggs was advocating for the rights of the employees within the law.

Alberta Labor Relation Board prohibits employers from “...seeking by intimidation, dismissal, threat of dismissal or any other kind of threat, ... to compel an employee to refrain from becoming or to cease to be a member, officer or representative of a trade union” (2003, p. 5).

In this case, the employer sought to threaten other employees by dismissing John Briggs so that they (employees) do not join trade union to champion for their rights. If the union could intervene for the termination John Briggs, the employer would be guilty of violating the rights of employees to join and participate in unions voluntarily. Thus, the management should reinstate John Briggs and allow him to exercise his rights. Moreover, the employer unfairly appraised John Briggs that he had been excessively absent in the

past year and had low productivity. If John Briggs had been continually absent during the past year, the employer would have warned him and there would be sufficient documentation to prove it; unfortunately, such proof was conspicuously missing.

This allegation was timely because John Briggs offended his employer when he mobilized other employees to join trade union so that they can protect themselves against slipshod discharge they had witnessed. In addition, John Briggs commended on the quality of work that Pete Ross did yet George, the supervisor never liked. This portray that John Briggs was a very productive employee who deserved promotion and not termination, thus the management should reinstate him.

Was Briggs correct when he answered, “ That is none of your business” to the questions about the authorization cards?

Given that the management was interfering with employees' efforts to join union, John Briggs correctly responded to the plant manager and supervisor who grilled him concerning distribution of authorization cards.

It was not the business of the management to pry into the affairs of workers and their unions. Although the remark seem to have offended the management, Smith argues that, “ disciplining an employee for using an alleged commanding and disrespectful tone of voice to a manager while he/she was acting in the capacity of a union representative is unacceptable” (2003, p. 3). Therefore, John had the right to command and remind the management that employees needed freedom to participate in any matter relating to the unionization of the workers. From the perspective of the <https://assignbuster.com/what-he-advocated-for-the-rights-of/>

employer, the interrogation meant to intimidate and prevent John Briggs from issuing more authorization cards to the employees.

The employer questioned the validity of the cards in terms of authorizing signature and the issuing authority that bypassed the company management. Since the managers wanted to suppress the rights of employees, it was futile to inform them about the unionization of the employees, because they were going to undermine the efforts. The management knew that unionization of the employees would eliminate discrimination and unreasoned discharge of employees without any justifiable cause. Understanding the kind of management in place, John Briggs was right to tell off the management that it was none of their business to know matters related to unionization of employees.

References

Alberta Labor Relation Board. (2003). Unfair Labor Practices by Employers.

Alberta Labour Journal, 1-10. Smith, G. (2003).

Unfair Labor Practices. Journal of Good Labor Practices, 1-12.