



## Asking the Right Questions:

### Submitting Information Requests about Changes in Technology and New Forms of Work Organization

New technologies, new forms of work organization and new management policies implemented during the period of the contract are significantly changing conditions of work for our members. Even as they follow the written contract, management can be breaking the implicit contract by changing the conditions of work for our members without bargaining with the union. Pace of work, health and safety, skills, advancement, seniority and a wide range of other critical issues can all be affected by these changes. The union can also be harmed by changes that undercut solidarity, isolate members from each other, eliminate management reliance on workforce skills or simply make the union look ineffective when it can't control the negative impacts of changes on the members.

#### What's a Union to Do?

According to the National Labor Relations Act (NLRA), even if management claims "management rights," the union has the right to bargain over mid-contract changes in **wages, hours and conditions of employment, unless that right has clearly and unmistakably been waived in the contract.** Many state laws covering public sector workers provide the same right. But this right to bargain only kicks in if the union recognizes that a change is taking place and demands bargaining over the change and/or its impacts.

One of the first steps in asserting the right to bargain mid-contract can be submitting a formal demand to bargain along with a request for information. An information request starts the bargaining process, is a good way to get more information about management's plans, can slow down implementation and give the union a chance to develop a strategy, and communicates to management that the union is not going to sit idly by while significant changes are made. **So just ask!**

Below is a list of general questions about new technologies, new forms of work organization and involvement programs. These questions will, of course, need to be adapted, and added to, to meet the particular situation you are facing.

Some things to remember:

- **Ask, always ask!**
- **Ask in writing.** Make sure that your information request is dated and has the name of the person it is being sent to. Follow-up with another written request with a deadline if you don't get a response.
- **Ask for information that will be useful,** but don't hesitate to push the envelope a little. While the National Labor Relations Board (NLRB) requires that requested information be relevant to the bargaining process, the burden is on the company to prove otherwise. And asking one question that "goes too far" doesn't undercut the validity of your other questions. Include in your request information that supports the relevance of your questions. For example, if a

consultant is claiming that they have worked at many other union workplaces, quote him or her when you ask for a list of those workplaces and for contacts at each.

- **Ask for specifics.** General questions can be generally answered – and you may be left without the information you need. Ask for concrete information that will help the union formulate a bargaining strategy and bargaining demands.
- **Ask questions even if you already know the answers.** It can be important to get the information directly from the company, and this is also a way to check up on the information that management is giving you – is it complete and is it accurate?
- **Ask questions that are reasonable and make sense.** If the company doesn't give you the information you are asking for, you may at some point want to pass out copies of the information request to your members with a headline like: What doesn't management want you to know? or What is management hiding?
- **Be ready to ask follow-up questions.** Every time management gives you some information, it should trigger more questions about what their plans are.
- **Ask for supporting documentation, reports or studies.** You want more than management's opinions. Supporting documents will often have information that you didn't even know to ask for.

## **Preparing an Information Request**

A good way to prepare an information request is to gather all the information you already have and set up a session with a combination of officers, stewards and other members who might be directly involved or affected. Looking at what you already know will help you think about the information that is missing. Using a flip chart to gather everyone's ideas, brainstorm a list of all of the things that you might want to know about the new system or program. Then have a couple of people write your list up and turn it into a formal information request.

This approach will not only provide you with a great set of questions, it will get you questions that speak directly to the concerns of your members and it will begin the process of involving your members in the discussion of and activities around the change that management is implementing.

Although the list below is divided into two sections – questions about new technologies and questions about new work systems and involvement programs – reading both sections will help you develop a list of questions that will fit your particular situation.

### **Questions about new technologies:**

Although we often think of computers or computer-based equipment when we hear the words “new technology”, new technologies can also include new equipment, new communications systems, new software systems and new materials – all of which can have a significant impact on our members and our unions. Computer-based technologies can be standalone pieces of equipment like a PC, but more often these days they are part of a larger technology system that needs to be analyzed and understood. Below are some questions that can help.

#### **The System**

What is the full name of the new technology or system that is being purchased?

What is its primary purpose?

What are the names of the company or companies that are providing the hardware, software, installation services and maintenance services?

If a company has not yet been chosen, please provide a list of the companies that have submitted bids or are planning on submitting bids.

Provide a copy of any documents that were used in soliciting bids from system vendors.

Provide a copy of the specifications for the system.

Provide a copy of any contract that has been signed between the company and the system provider(s).

Provide a copy of service contract and/or warranty agreement between the company and the system supplier. (Note: this is relevant to sub-contracting issues.)

What ongoing maintenance/upkeep will the system require and who will be doing it?

What system upgrades or enhancements are currently available and what system upgrades or enhancements you expect to be available in the future?

### **Other Examples**

Identify other locations where this or similar systems have been implemented. Please provide a complete listing.

### **The Financials**

What is the total cost of the system (broken down by hardware, software, technical support and training costs)?

What is the economic justification for the system (including ROI calculations)?

What cost savings are expected due to the system?

Where will cost savings be achieved and how much will be saved?

### **The Data**

What are the data-gathering and data storage capacities of the system?

Where will the data be stored?

What are all the ways in which data can be gathered by or entered into the system?

What types of information or data are actually collected at this point or could be collected in the future by the system?

How is data transmitted to other computers and/or storage devices and is data transmitted to or available to off-site computers?

What data is stored and in what format is it stored?

What plans are there for expanding the data collection activities of the system?

Who will have access to the data and what data will they have access to?

Who will have the ability to make changes in the data?

What kind of security system will be in place to protect the data?

Is there an audit trail of changes that are made in any data stored by the system?

For data that is tracking or could track the performance of individual employees, what kind of protections are there against the data being altered after the fact?

What employees will be or could be monitored by this system, either directly or indirectly? Please provide a full list of all information that will be monitored.

Will any training/notification be provided to those who will be monitored?

If yes, what will the nature of the training/notification be and to whom will it be provided?

## **The Skills/Training**

What new skills will be required for those who are interacting with the system? Identify all new jobs or tasks and the specific skill and training requirements connected with them.

How will the workforce be trained to take on new roles and responsibilities?

Who will provide the training?

How long will the training be?

How will those who will receive the training be chosen?

If any “aptitude” or skill tests are anticipated, provide copies of the tests as well as any studies that prove the relevance and appropriateness of these particular tests to the new jobs/roles.

## **The Jobs**

Provide a list of all jobs that have been or will be created by this system including a description of the duties connected with each.

Provide a list of all jobs that you anticipate will be directly or indirectly affected by this system including a description of the anticipated impacts.

What programming functions are connected to this new technology and who does the company propose will perform those functions?

What is the anticipated impact of the new system on health and safety including impacts on stress-related illness, ergonomic injuries, chemical exposures and any other hazardous exposures? What information did you use to reach this conclusion? Please provide a copy of any reports or studies that were done.

What ergonomic assessments were performed to ensure that the new technologies are ergonomically sound? Please provide a copy of any reports or studies that were done.

## **The Interconnections**

Provide a description of the interconnections among this system, its supporting computer systems and existing or planned information systems at the company, including a description of any and all data that will be shared between systems.

**Accuracy** *(These questions are particularly relevant for systems which monitor or collect data on individuals like Global Positioning Systems (GPS), barcode tracking systems, active badge systems, etc.)*

What is the accuracy of the system as currently configured and what accuracy upgrades are planned or might be implemented in the future?

How will the accuracy of the system be ensured?

How often will the system be recalibrated or checked?

Provide any studies that you have which indicate the accuracy of the system and the reliability of the system over time.

## **Questions about New Work Systems and Involvement Programs:**

### **About the Program**

What is the date of the start-up of (name of program)?

Provide copies of any presentations or explanatory materials on the program.

Provide descriptions and timetables for any and all phases of the program.

Where else within our company/organization is this program occurring?

What measures of success will be used to evaluate progress in the program?

What is the proposed schedule for employees to learn the process and begin participation?

### **About the consultant**

What consultants has the company utilized in preparing for and developing this program?

Please provide a complete description of the consulting firm.

What are the consultants' specific areas of expertise?

Provide copies of all studies, reports, etc. performed or produced by the consultants connected with this program.

What will the role of the consultant be going into the future?

How much is the consultant being paid?

What is their scope of services? Provide a copy of the contract between the consultant and the company.

Provide a list of facilities where the consultant has worked, as well as the names of the local unions representing their employees (along with a phone number and a contact person at each one).

If the consultant has worked at non-union locations, how does their approach differ at a non-union location?

### **Training**

What training will be provided to bargaining unit members in conjunction with the program?

Provide a copy of all training curriculum, materials, handouts, etc. – including any facilitator/training guides.

What new skills does the company anticipate will be needed as a result of changes in the production or service delivery process?

To whom will training be provided?

Who will provide the training? What are their experience and qualifications? Who else have they provided training to?

What plans does management have for ensuring that employees will be sufficiently trained to be able to safely perform any new duties assigned? Provide supporting documentation or studies.

What types of testing will be used to ensure that workers will be sufficiently prepared for their new duties? Provide supporting documentation or studies.

## **Impacts**

What changes in duty assignments, work processes or job descriptions are anticipated?

What is the anticipated impact of the changes in duty assignments on pace of work? What information did you use to reach this conclusion? Please provide a copy of any reports or studies that were done.

What is the anticipated impact of the changes in duty assignments on output per employee? What information did you use to reach this conclusion? Please provide a copy of any reports or studies that were done.

What plans does management have to increase wages to match any increases in productivity and/or the intensity of work?

What is the anticipated impact of the changes in duty assignments on health and safety including impacts on stress-related illness, ergonomic injuries, chemical exposures and any other hazardous exposures? What information did you use to reach this conclusion? Please provide a copy of any reports or studies that were done.

What ergonomic assessments were performed to ensure that newly defined jobs will be ergonomically correct? Please provide a copy of any reports or studies that were done.

What is the anticipated impact of the changes in duty assignments on skill requirements? What information did you use to reach this conclusion? Please provide a copy of any reports or studies that were done.

What is the anticipated impact of the changes in duty assignments on seniority? What information did you use to reach this conclusion? Please provide a copy of any reports or studies that were done.

What is the anticipated impact of the changes in duty assignments on the number of employees and therefore on job security for current employees? What information did you use to reach this conclusion? Please provide a copy of any reports or studies that were done.

What will the policy be for employees who are not able to perform work that has been added to their normally assigned job?

How will rights under the Americans With Disabilities Act be affected by the changes management is anticipating?

What will happen to persons with disabilities who cannot perform newly formulated jobs?

## **Quality**

The union is concerned that the quality of service not be compromised by the restructuring initiative. How will the implementation of restructuring affect our service delivery and quality?

What is the anticipated impact of any changes in duty assignments on product quality? What information did you use to reach this conclusion? Please provide a copy of any reports or studies that were done.

*This fact sheet was produced by the Labor Extension Program at the University of Massachusetts Lowell. Please send comments or suggestions to Charley Richardson, Labor Extension Program, University of Massachusetts, Lowell, MA 01854.*

*Telephone: 978-934-3266*

*E-Mail: Charles\_Richardson@uml.edu*