



Observations From the AGC National Convention About Ethics, Safety and the NLRB

Insights

3.18.15

I'm writing this post while a band does a nice job with Beach Boys songs while my buddies here at the AGC National Convention in San Juan, are, to use the vernacular at the time, cutting a rug. And I'm typing. Not sure what that says about me, and yes, that was rhetorical, so spare me the responses. Now they've switched to Sweet Home Alabama. These guys are good and clearly know the group's tastes. Good stuff.

I just finished the first full day of the AGC National Convention and wanted to share some things that I've learned or observed.

Being a Good and Decent Person Can Contribute to Success Even in an Age of Harsh Economics and Shareholder Advocacy.

About 60% of my business is with contractors. I know it's a generalization, but after 31 years of hanging out with contractors, I'd argue that these are generally good down to earth people. There is not a lot of difference between my client CEOs at multibillion-dollar entities and those CEOs at small GCs. My wife is with me, and is a seasoned hospital administrator and shrewd judge of people. She made the same observation; these are good people who care about their families' and their employees. When you "build things," it injects a bit of reality into your view of the world, and that reality is an asset in my world. I clean up messes. Over 500 workplace fatality cases involving as many as 12 workers who didn't go home. I can't count the number of union issues, retaliation claims, EEOC charges and internal investigations I've handled. I can make a compelling argument that this down to earth and decent approach to workers and the business world saves one money in legal claims and fees ... and trust me; I understand. As a manager, I too hate paying legal fees.

The Convention opened with an optional prayer breakfast. I am not proselytizing. I know plenty of self-professed Christians who embarrass me and I have close non-religious friends who shame me with their good character. But that's not the point. Regardless of one's beliefs, one can see the logic of applying the principles of responsibility, loving one's brother, and servant leadership to the workplace. The Prayer Breakfast speaker pointed out that two people die every second. His question was "do you care enough to do something for them?" He intended the question spiritually, but at 55, I think about my legacy and the people and clients I can positively affect. As employers, we have to make tough decisions about firing people, contracting and laying off people, but that doesn't mean that we shouldn't consider how to responsibly treat our employees. We know to do this, but with all

of the demands on our time and the ever-increasing data deluging us, how often do we “purposely” consider this goal?

Effective Safety Programs

The final rounds of the **AGC-Willis Safety Awards** judging occur at the AGC National Conference. This week about 60 employers have made their final presentations to the judges who have already reviewed many feet or gigabytes of materials.

Here are a few observations.

1. Once the CEO or President gets serious about a safety program, it takes off. I was impressed by how many top executives participated in the final two person presentations to the judges. Employees and supervisors who see their big boss involved in safety generally decide that it behooves them to do so as well.
2. One executive said that, like any good executive, he regularly visits and walks sites, but that, at least once a month he does so SOLELY to consider safety issues.
3. Another executive admitted that he chairs the monthly meeting of the seven divisions' safety directors. He does not simply attend the meeting.
4. Another executive explained that he sees an incident report within 24 hours of every injury, near miss or property damage incident. He's at a big company. I don't know how he does this.
5. One Texas based contractor has a robust hotline where employees, subs, and even customers routinely call in safety concerns. Each message is relayed to a designated safety manager within 10 minutes. The Safety Director described where an employee refused to do certain work without fall protection and called the hotline. Within minutes, the foreman learned the importance of adhering to fall prevention rules.
6. Some of these contractors have gone wild with Facebook, tweets and intranets, and provide a tremendous amount of opportunities for shout outs to employees and supervisors who work safely or go an extra mile.
7. Some companies now provide company apps and craft workers can watch 10-minute reviews of properly putting on harnesses and other day-to-day safety tasks.
8. All of the contending employers shared incident experiences throughout their companies, typically within about 24 hours, which was impressive.

Because of the NLRB, Almost All Employers' Employee Handbooks Are Unlawful

I'm blogged a lot about the numerous recent and often illogical NLRB decisions finding non union and union employers' employee handbooks and policies unlawful, including policies relating to confidentiality, disparagement of the company, gossip, incivility and professionalism, property access, and electronic communications. Today the NLRB released a 30 page General Counsel's Memorandum on the subject. [I've linked to the document](#) and will talk more about the guidance in future posts.

Union Driven Harassment of Fast Food Franchisees By Mass Filing OSHA Complaints

I wrote yesterday and have been interviewed multiple times today about the OSHA complaints filed against fast food franchisees in 19 cities this week by the union sponsored group “Fight for \$15.” This is the fourth industry to experience this form of union harassment, which is designed to force employers to basically voluntarily recognize unions to avoid further costly harassment. Poultry processing, Distribution and especially the hospitality industry have already experienced this type of corporate campaign. Expect to see more of this strategy.

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