

STEWARDS CORNER

Monthly Newsletter for Union Stewards

Social Media: Why Did They Post That? What Happens Now?

Your coworker posts pictures on Instagram of him wearing a company shirt, a vape in his hand, and a link to an article, "Best Weed Pens of 2022."

Another member posts a picture of herself and several other union members with the caption, "Just finished our 4th 16-hour shift in a row. This is not safe, and this company sucks."

A local member commented on a blatantly racist and sexist cartoon on their friend's social media account, saying, "Exactly right!"

Social Media Posts and Discipline

Do employers have the right to discipline employees for their off-duty conduct on social media? The answer is that it depends. In these cases, the key is to ask yourself a set of questions:

1. Could the Social Media post be protected under the National Labor Relations Act (NLRA)? Posts about working conditions might constitute protected concerted activity. If this is the case, you should contact your Local Leadership or Staff Representative (they have access to the USW Legal Department.)
2. If it is not protected concerted activity, does the collective bargaining agreement (CBA) or the employer's policies limit what the employer can discipline employees for in their off-duty conduct?
3. If it is not protected concerted activity, does the employee's post reflect poorly on the employer? In other words, does the activity establish a nexus between the individual and the employer?
4. Has the employer violated the just cause provision in your CBA in disciplining the employee?

Just Cause and Social Media Activity

The "Just Cause" provision in your CBA applies to discipline related to social media use just like it does to any other discipline. Many arbitrators, but not all, will find that an employer does not have cause to discipline an employee for off-duty conduct unless the conduct: 1) affects the employer's business or reputation; 2) threatens the safety or well-being of employees; or 3) makes the employee unfit for work. In addition, posts that accurately describe working conditions affecting more than one employee might be protected under the NLRA.

Because the "just cause" provision in your CBA will apply like any other discipline (it might be called "proper cause" or "cause,") approach the issue like you would any other investigation—thoroughly investigate, including all appropriate information requests.

Stop Problems Before They Start

In your job as a steward, you are not only representing your members once they get in trouble, but you are also an educator, and this is one area in which you can reach out to your members:

1. Work with your Local and ask your employer for any policy that references social media use. Some employers address social media in a "Social Media Policy," for others; it can be in "anti-harassment" or "civility" policies. Remember that a policy addressing employees' social media use, including the possibility of discipline, is a mandatory subject of bargaining. Depending on the management rights language in the CBA, employers may have to bargain with the Union before implementing or changing a social media policy. So, if you hear that the company is implementing a new policy, be sure your Staff Rep knows.
2. Educate your members about what that CBA language or policy says.
3. Remind your members that before they post on social media, they should ask themselves:
 - a. *Am I "friends" on social media with co-workers or members of management? What about customers, clients, or contractors?*
 - b. *Do I identify where I work on my profile, or have I shared pictures of myself wearing clothing with the company logo?*
 - c. *Do I "tag" coworkers in posts? If so, are they "friends" with other coworkers or members of management?*

Management will know what they post if they answer "yes" to any of these questions. Employers have cited these links as grounds to discipline employees for their social media activity.

Many of your coworkers are active on one platform or another. Encourage them not to list their employer on their profiles or share pictures of themselves wearing clothing with their employer's logo, to avoid taking selfies or other images at the workplace, and to be mindful of the employer's cell phone policy.

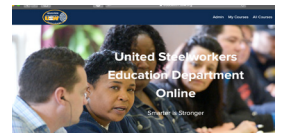
Finally, as a representative of the USW, remember that what you post reflects on you and your union. The USW was founded on the idea of welcoming all. Do your posts make all feel welcome and represented? Are you representing the best face of your union?

For more information on social media Do's and Don'ts and how your Local can effectively use it, see this [guide from the USW New Media Department](#).



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Take the time to check out our free USW courses on-line at: education.usw.org



Chat on the Floor: Inflation

Occasionally some issues are so pervasive that you, as a steward, might want solid information to share with your members. Inflation seems like one of those issues.

You don't have to turn to the media to know that inflation is bad right now. What doesn't seem to be out there is a clear explanation of what's really happening.

Let's begin by saying that President Trump did not cause inflation when he signed our first COVID check, and President Biden did not cause it when he continued the policy of financial support for working people when he first took office. Neither man is powerful enough to cause global inflation. So, what is going on?

Our current inflationary period is a global phenomenon.

Inflation is not concentrated in the U.S.; we alone can't solve it.

Go to <https://tradingeconomics.com/country-list/inflation-rate> and check out the interactive map to see current global inflation rates.*

You will see that the U.S. inflation rate is solidly in the middle. As of Nov 1, 2022, the U.S. rate is 8.2, which ranks us at 107 globally. Our closest neighbors—Canada is at 6.9 (128th in the world), and Mexico is at 8.7 (101st in the world)—are also in the middle of the pack. China has one of the lowest rates at 2.8, a rate kept low by a controlled economy, while Turkey and Argentina both have rates over 80. In Europe, rates range with the U.K. at 10.1, Ireland at 8.2, Germany at 10.4, and France at 6.2. Russia is at 13.7.

This inflationary cycle is not like others.

Typically, during inflationary periods, most of the increase in prices comes from increases in wages (or unit labor costs in the chart.) This time more than half of all the increases in costs have gone to corporate profits! **Corporations are taking the opportunity to fill their pockets at our expense.**

Normal and recent contributions to growth in unit prices in the nonfinancial corporate sector

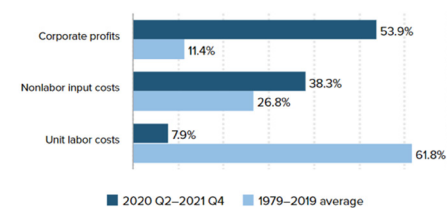


Chart Data

Source: Author's analysis of data from Table 1.15 from the National Income and Product Accounts (NIPA) of the Bureau of Economic Analysis (BEA).

Economic Policy Institute

Price gouging is never ok.

According to *Bloomberg News*, US profit margins have reached their highest since 1950, suggesting that the prices charged by businesses are outpacing their increased costs for production and labor. After-tax profits as a share of gross value added reached 15.5%, according to Commerce Department figures in the second quarter of this year. The numbers came out after oil companies, food giants, and other major businesses reported record-breaking profits. This has been true globally. During the post-pandemic recovery, corporate profit margins reached multi-decade highs as the surge in inflation boosted corporate pricing power while wages languished.

Some sectors clearly show just how outrageous this all is:

In the third quarter of this year, **Exxon** reported the **highest ever** quarterly profits, **\$19.7 billion**, while **Chevron's \$11.2 billion** was its second highest in history. Yes, that's what they made in three months!

Those numbers are so big that it's hard even to imagine. A million seconds is 11 days; a billion seconds is 32 years. If you had a billion dollars and spent \$1000 daily, it would take you 2740 years to spend it all.

Exxon made \$19.7 billion in profit—**that's after expenses**—if they spent \$1000 a day, that's 53,978 years to spend it all... heck, they could spend \$1 million a day, and it would take them 54 years to spend it all.

If COVID had been a hurricane, what is happening to gas prices is like the corner store charging \$1000 for a bottle of water. Price gouging is never ok.

We need reliable domestic supply chains.

In addition to oil companies cutting production and jacking up prices, our reliance on international markets for microchips and other products central to our economy is unsustainable. That is why the bipartisan CHIPS Act that President Biden signed into law is so central.

In our workplaces, as stewards, we are often called on to know what is happening in the lives of our members. Hopefully, the data above gives you the information you need when discussions around inflation arise. We can only develop reasonable solutions when we understand the problem.

Bottom line: Corporations are price gouging, and that's hurting working people.

* Ranking highest inflation rate to lowest

**TEACHING
TUESDAYS**

- ▶ 11/8/2022: **Just Cause** [11 a.m.](#) | [8 p.m.](#)
- ▶ 11/15/2022: **FMLA 2** [11 a.m.](#) | [8 p.m.](#)
- ▶ 12/6/2022: **FMLA/ADA** [11 a.m.](#) | [8 p.m.](#)
- ▶ 12/13/2022 - **How Unions Beat Scrooge** [11 a.m.](#) | [8 p.m.](#)



Scan the QR code to get more information
<http://usw.to/teachingtuesdays>

All classes are held at **11 AM (EST)** and **8 PM (EST)**