



## Informational Picketing Fact Sheet

Sometimes normal problem-solving and grievance procedures don't work. The issue may be too serious, the employer too arrogant, our members' patience may have worn too thin or some combination of these factors and requires a different approach.

Developing public support to shame management into correcting problems can be an effective tool when traditional solutions don't work. A typical way for unions to apply this strategy is through an informational banner or picket line. Informational picketing is not a strike. Employees do carry signs, however, and distribute informational leaflets which highlight the employer's misdeeds and ask for public support for the union's position. Public relations is an important aspect of this tactic.

Used properly, this tactic can be an effective way to achieve union goals. If not used wisely, and sparingly, however, informational pickets can actually backfire. They can be ineffective, turn public opinion against the union, and--if legal requirements aren't followed carefully--informational pickets can actually lead to Unfair Labor Practice findings against the union.

### GUIDELINES

**CONSULTATION.** OCSEA Chapters and subordinate bodies should not engage in informational picketing or call membership or public rallies without first consulting their Staff Representative or the OCSEA Operations Director. This consultation is important for both tactical and legal reasons.

**NOTICE.** Under Ohio law, there are restrictions and procedures which must be

followed to conduct a legal picket. The union is required to provide notice of its intent to picket (or rally) to both the employer and the State Employment Relations Board (SERB)

at least 10 days before the picketing starts. The notice must be legally "served" and must include the date and time when picketing is to begin, identify the public employer who will be picketed (including the address of the employer and the address where the picketing will occur). This notice must also include the name and address of the union doing the picketing, a general description of the classifications or bargaining unit involved in the picketing, and information regarding the contract which is in effect.

Members are highly encouraged to process a request for an Informational Picket through OCSEA central office. The office of General Counsel and your staff representative can work to ensure all the legal dots and lines are met. SERB has developed a form to use for such notices. However, failure to adhere to all the requirements may subject the picketers to a ULP by the employer.

**PROCEDURES.** Employees must be on their own time when picketing, either off duty, on approved vacation or compensatory leave or on an unpaid lunch break.

Picketers must respect property rights and not trespass, block traffic or create a public disruption. It is NOT legal for a union to try and stop people (either the general public, other employees or delivery drivers, etc.) from crossing an informational picket and entering the workplace. Activity of this nature can constitute a secondary boycott and expose the union to unfair labor practice charges and potential damages. Threats and coercion of any kind must always be actively discouraged.

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Picket areas should be selected for their public visibility, but also to ensure the safety of the members engaged in the picketing. Picketers should not trespass on the employer's or other's property, and it is illegal to picket a public official's home. Sidewalks and main entrances are traditionally good picket sites. Where vehicular traffic is

present, one person should be placed in charge of traffic safety for the picketers.

## References

ORC 4117.11(B)(5)+; 4117.11(B)(8)

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