

Security in the Strike Zone

By Michael Taylor

This company thought it was ready for the challenges, but when trouble struck, the plans did not work.

This was a union town. In the rest of the country, newspapers might be writing articles about how organized labor's heyday had passed. But not here. Thus, the executives at this distribution facility knew that its work force would go on strike when the contract expired, a deadline that was fast approaching. But management was not worried. The corporate security director had hired a security firm headed by an old friend to ensure that workers and delivery vehicles could safely move in and out of the facility throughout the strike. The company was ready for the challenges to come--or so it thought.

What followed was what might be called a comedy of errors, except that there was nothing funny about the mayhem, the injuries, the fear among replacement workers, and the lost revenues. The story of what occurred at this company shows what can go wrong when planning is inadequate and how appropriate preparations can change the outcome.

Ill-prepared.

The morning the strike began, all office, management, and replacement personnel met at a central location to ride in buses through the picket line to the facility. As the first bus approached a hostile and violent crowd of 300 strikers and their supporters, the driver began shaking; then he refused to cross the picket line and turned the bus around. The contracted security company had not informed the bus company that it would be transporting people across a picket line.

Workers piled into their own vans and cars and attempted to enter the facility. As the vehicles crossed the picket line, picketers yelled threats, threw trash, and slashed car tires whenever possible. The security company had no strategy for helping workers safely enter the facility, and it hadn't coordinated with local police. Because many of the police officers were pro-union, they did only the absolute minimum required to maintain the peace. Consequently, it took the company three hours to get everyone in to begin working.

That evening, a panicky security guard, who felt threatened as he was leaving the property, sprayed several picketers with a fire extinguisher. The incident was reported in the local newspaper of this blue-collar town, solidifying community support for the union against the company, whose tactics seemed anti-labor and incompetent. The sun had not yet set on day one of the strike, and already the company had lost the battle for public opinion.

The next day was worse. Vehicle windows were smashed as managers drove across the picket line, buses carrying replacement workers were surrounded and rocked by the picketers, trucks trying to deliver products to customers were followed by union members in cars and run off the road as they left the facility, racial epithets were thrown at anyone entering or leaving the facility, and women workers were subjected to degrading slurs and threatened with rape.

As the strike dragged on and the worker harassment and delivery disruptions continued, customers were losing confidence, employees were afraid to come to work, and production was down 60 percent. Strikers and management both knew that if employees began refusing to cross the picket line, the facility would have to shut down, forcing the company to return to the bargaining table in a weaker position.

In desperation, the company promised to have nonunion employees escorted across the picket line by security guards until the strike was over, rather than until the company felt confident that it was physically safe to cross the line, a decision which ultimately cost them millions of dollars more than it would have cost them to provide appropriate security from the beginning. But management also recognized that merely guaranteeing personal escorts was not going to solve the problem. It was time to make some more fundamental changes in how the strike was being handled.

It was clear that the contracted security firm was in way over its head. The problem was that the firm had no experience with this kind of crisis.

As the company considered its options, the general manager observed that delivery trucks operated by an outside trucking firm seemed to be having few problems getting in and out of the facility, unlike the mail and express-delivery trucks that were prevented from entering. He found out that the president of the trucking firm had come to look at the scene in advance and, recognizing the dangers, had hired a security firm with experience in strike protection. The company made certain that his trucks could cross the picket line safely. After researching the security company that the trucking firm was using, management decided to hire it to replace the original security firm.

Management also relieved the security director of his security duties because of his failure to prepare for and respond appropriately to a security emergency. The person in charge of the newly hired security service provider immediately became part of the senior executive team, creating and executing the fundamental operational and security issues that should have been planned from the outset.

Starting anew.

It was clear that merely stationing some guards at the gates was not going to be adequate. The new security company created a strategy for granting employees, vendors, and trucks safe access to the corporate facility. The strategy included outreach to law enforcement, placement of seasoned officers at various locations to alleviate worker anxiety, vulnerability assessments, evidence gathering, and other measures.

After it took care of the most immediate access concerns, the security firm planned to conduct a vulnerability assessment of the facility and of the homes of threatened employees. It also made plans to gather evidence of striker activities--within the boundaries of the law--to serve as a defense against possible future charges of unfair labor practices.

Outreach. One of the problems up to this point had been the lack of law enforcement cooperation. As mentioned, police had been minimally responsive. For example, they had not intervened when strikers were harassing replacement workers until the last possible moment or until actual physical damage had been done. Security personnel from the new company contacted local law enforcement to ensure that any illegal activity on the part of the strikers would be immediately punished. They were able to obtain commitments of more timely enforcement, which later helped the officers to control picketers.

The job of reaching out to law enforcement was eased by the security firm's network of contacts with law enforcement at the local and federal levels. The security contact and the local police chief discussed the strike and the violence surrounding it, and looked for win-win ways of cooperating.

The security contact also spoke to local politicians who were considering speaking at union rallies. He shared with these politicians evidence of the violence and racial and gender slurs used by picketers. With whole constituencies being threatened and insulted, politicians decided it would be best not to be associated with the picket lines.

Officer placement. The crowd of strikers and union supporters located outside the front gates of the facility sometimes numbered in the hundreds. Corporate executives had discussed getting an injunction to limit the number of picketers, but ultimately decided that a loss in court, a likely outcome in their pro-labor state, would have given tremendous momentum to the union. Instead, the security company brought in about 100 guards, working in two 12-hour shifts, to control contacts among the picketers and those authorized to enter the facility.

The security team consisted of former Navy SEAL's, Special Forces and FBI agents, and other ex-law-enforcement professionals who had experience in maintaining control during strikes. These officers were assigned areas of responsibility based on their training, skill level, and, to some extent, their temperament.

The most potentially explosive area was at the front gates, where the strikers were gathered. The strikers had quickly intimidated guards from the original security company; some of them cried when confrontations became ugly. For these high-contact positions, the more experienced security firm stationed calm and confident officers whose training made them stoic and self-controlled and less likely to talk back to or harass the strikers. The picketers found themselves facing well-trained people who were mentally strong and focused, rather than less-experienced personnel who were easily frightened and demoralized. The composure of the new security force unnerved the strikers and helped defuse the tension on the picket line.

Some guards patrolled the wooded perimeter of the facility, provided executive protection, helped vendors to enter and leave the grounds, and manned the surveillance center. Other guards acted as escorts on the buses that ferried employees in and out of the facility.

During the most volatile time of the strike, each bus carried two escorts--one to help the driver navigate through the picket line and another to calm employees on the bus who got excited. These employees sometimes instigated trouble with the picketers by yelling or making obscene gestures. The security officers discouraged this behavior by coaching workers to stare straight ahead and ignore what was going on outside the bus.

Assessments. Once regular access to the company facility had been reestablished, the security provider could concentrate on conducting vulnerability assessments of the facility, executive homes, distribution points, and off-site meeting facilities. First, the security team looked at the outside of the main facility. Were there places where unauthorized personnel could enter the premises unnoticed? If so, what damage could they do? Could they shut off phone service, electricity, or water?

Inside the main building, the team looked for any vulnerable points, such as computer systems that could be shut off or vital machinery that could be disabled. They then determined which protective measures were needed.

The parking lots where employees met to board the buses were the next stop of the assessment team. Because these parking lots were located in public places, picketers had the right to be there, so the team had to assess whether employees could drive and park there without being harassed or harmed. The security provider was ultimately able to coordinate with the police of the towns in which the parking lots were located to provide some protection as people entered and left the lots.

Physical protection was offered to employees who were believed to have been singled out by the union, especially those who had been recently promoted from union jobs into management. Ongoing assessments were made for those given round-the-clock physical protection to determine the length and amount of protection necessary. Protection was also given to some truck drivers who had been targeted for harassment.

The assessment team designated a hotel with good access controls where visiting executives and managers could stay. Security personnel trained in executive protection stayed in nearby rooms.

Evidence gathering. During a strike, labor unions often file multiple unfair-labor-practices charges against a company, hoping that at least one will stick and force the company to bring back the striking workers. The company must have evidence to defend itself against these charges of unfair labor practices. Evidence of strike violence can also help the company to change public opinion and win cooperation from politicians and police, as mentioned earlier.

But evidence gathering must be conducted with care if the company is to avoid violating the law. The most common charge made during a strike is that the company infringed on the union's protected activities. Some of these protected activities are fairly obvious; if the union has a meeting to discuss its strategy on the picket line, it's illegal for the company or its security agent to be in the parking lot spying on who's going in and out.

Other protected activity is subtler. Using video surveillance, the security team can tape only illegal activity, not protected activity. For example, if a worker is being assaulted as he crosses the picket line that can be videotaped. But the moment the assault stops, the recording must cease, as the strikers have a protected right to picket.

If a court finds that the company gathered evidence by spying on the union or engaging in other unfair labor practices, the employer will not only lose the claim but also will likely face heavy sanctions. The security team has to be well versed in the intricacies of labor law to avoid exposing the company to charges of unfair labor practices.

In this case, evidence-gathering equipment, including pan-tilt CCTV cameras with time-coding capability, was installed. An evidence-gathering room was set up, and employees were briefed on the basics of labor law. Evidence was collected by video, still photographs, audio, and employee affidavits. It would be used not only to counter the union's unfair labor practices charges against the company but also to document picket-line misconduct and violations of labor laws by the union.

The company's labor lawyer used the evidence to file an unfair labor practices lawsuit against the union, charging that the degrading and threatening language used by the strikers was creating a hostile environment for female employees. National Labor Relations Board investigators were so appalled by the evidence that they forced the union to clamp down on the language.

Having a skilled and professional security team with good interpersonal skills was instrumental in convincing employees to come forward and give evidence about incidents in which they were involved. When employees who had been the targets of harassment or threats away from the workplace began to feel comfortable and secure with the guards, they felt safe enough to come forward and present evidence to the company about these incidents. Because the security company kept a steady crew of people and didn't have high turnover, employees and security personnel bonded, and employees who had concerns about security often went directly to a security team member, who would counsel them and let the company know the types of concerns the workers were having. Human resource personnel were then able to determine whether further steps needed to be taken to address those concerns.

Intelligence. The security team also made efforts to anticipate problems by gathering intelligence among local community members about the strikers' plans. For example, some security team members spent time talking to locals and listening to rumors and gossip. They also asked local law enforcement officials to share information with them and to help them follow up on leads.

The intelligence allowed security forces to forestall problems by showing up in the right place at the right time. For example, they sent security personnel to a bridge where union members were pouring nails to puncture the tires of delivery trucks; they followed union cars that were attempting to force trucks off the road; they casually "dropped by" the coffee shops where managers went for lunch or informal meetings, preventing strikers from harassing them. Their constant presence and unflappability had a debilitating effect on union morale.

In another instance, security personnel discovered that some union members had ties to a biker gang, which had recently come into possession of a cache of arms that it was eager to try out at the company. The gang's plan was to enter the facility through the wooded area in back, while a union rally took place out front. The security team let it be known that they would be well prepared for any violence, and the gang ultimately decided it would be safer to drive back and forth in front of the facility during the rally, making a lot of noise with the bikes, but displaying no arms.

Media relations. The company also recognized the need to address the local news organizations during the strike. It brought in a public relations associate to train managers on how to respond to the media. The training gave the management team the confidence to respond to press questions if necessary.

End game.

After almost a year of constant defeats in the courtroom and on the picket line, the union leadership determined that the best it could do for its members was to negotiate a severance payment, have members officially terminate their employment, and end the strike. The company retained the replacement workers and went back to business as usual. (It should be noted that most strikes end with the union workers resuming their jobs; therefore, security forces should avoid creating tensions with picketers that will later taint the company's future relations with its work force.)

Before the strike began, the company's legal counsel told the management team, who had never been through a labor dispute before, to make sure they got security right. After the company's initial misstep, management did just that by hiring a security provider with strong strike experience. The results illustrate the strategic importance of security during a labor dispute.

While there were numerous threats and scares throughout the strike, the company was able to operate effectively, and not a single employee was harmed during the yearlong dispute. The quantity and quality of evidence gathered during the course of the strike allowed management to win every claim that it made against the union, and despite the union's desperate efforts to find the company in the wrong, every one of the claims filed by the union against the company was dismissed. Perhaps most gratifying was the fact that even the local press, which had initially supported the union and portrayed management as the villain, stopped championing the union once clear evidence of the union's misdeeds unfolded.

The company paid a high price for the strike security it had retained. But management had no doubt that it would have paid even more dearly if it had failed to prevail in the picket lines, in the legal arena, and in the court of public opinion.

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