

Strike Mechanics

Successful strikes depend primarily on having a strategy to put pressure on the real decision makers both at the worksite and beyond it and to build public support based on linking your goals to the public interest. This tip sheet deals not with those big strategic questions but with the mechanics of running a strike.

Strike Planning

Make sure workers make the decision to strike.

Workers must be the ones who determined the bargaining goals, have chosen and tried less drastic pressure tactics, and now are in control of the strike decision.

Locals often take a strike authorization vote before a strike becomes necessary. The vote involves the membership at an early stage in considering the strike alternative and sends a message to management about the consequences of not reaching a settlement. While the union leadership could call a strike later based on the authorization vote, many locals go back to the members for a specific strike vote to demonstrate further that the members are the ones choosing to take action.

Depending on the unit, you may take a strike vote at a meeting, where it is easier to build unity and to answer questions. But there also are advantages to conducting a strike vote at convenient polling times and places near the worksite or even by mail or e-mail. Management will try to describe the strike as being called by “the union,” local officers, “a small group of hotheads,” or the International union. Going the extra mile to make sure everyone feels they had the chance to vote many help ensure that this charge doesn’t ring true.

Steps to get a higher turnout also will give you a better picture of your true level of support.

Another way to emphasize workers’ role in the strike decision is to avoid statements to members or the public that say that “such-and-such union official has announced that a strike will begin at midnight on Monday.” Instead, say that “a strike called by the members of Union Local X will begin at midnight Monday.”

Build up to a strike through gradual escalation.

It’s easy for the most active union leaders to have an inaccurate picture of the willingness of other union members to take action—to mistakenly say either that the membership is ready to strike or that the membership isn’t ready for anything.

Instead of using a strike to test membership determination, see how ready members are to take action by trying less risky tactics first.

Escalating tactics building up to a strike also put added pressure on management to settle. For example, workers in one local posted a strike countdown calendar on the union bulletin board, marking off each day as contract expiration approached, and held weekly strike benefit fundraisers. These activities made the strike threat increasingly real to supervisors and higher management officials.

Consider a variety of tactics to keep the employer off balance.

(But be sure to consult with union attorneys first.) For example, union members have had success in some situations with “rolling strikes” in which workers at different locations of the same employer went on strike at different times. Operations are disrupted yet the employer cannot plan for replacements and workers lose little income.

A rolling strike also allows you to strike first at locations where your support is strongest and build momentum for action at other places.

In “selective strikes,” certain operations of an employer are targeted because strike action there would cause the most disruption. Other workers continue to work and to provide financial support to the selective strikers. But workers are not allowed to engage in partial strikes (where they cease doing only part of their work) or intermittent strikes (where workers stop working, start, and then stop again).

Where members have been enjoined by a court from mass picketing, family members or community supporters to whom the injunction did not apply sometimes have conducted picketing of their own.

Some workers also choose to engage in civil disobedience, such as occupying their workplace or the offices of management officials until a fair settlement is reached.

Innovative tactics require advance consultation with legal counsel so that everyone understands the possible consequences and the degree of support the union can and cannot provide.

Give proper notice as required by the National Labor Relations Act and your contract. If the employer is a health care institution, meet the legal requirement to give 10 days’ advance notice of a strike or picketing.

Plan in advance what else you need to do besides striking.

It can be disastrous to launch a strike, decide after a few weeks that it isn’t going to convince management to settle, and then start looking for other ways to pressure the employer.

A strike should be viewed as only one of a combination of tactics. Planning should be done from the start on the other tactics, including other kinds of economic pressure, community outreach, legal and regulatory pressure, and political and legislative strategies.

Choose your timing carefully.

If you strike, the timing should be dictated not by management but by what is best for union members.

Pick a time when there will be the least strain on workers (not during December’s holiday season, for example) and when the employer will be most vulnerable. For instance, you might want to strike...

- Building services contractors when they are about to renew their contracts with building owners.

- Health care facilities when they are about to be inspected for certification or in the early fall when patients seek medical care they postponed during the summer.
- Educational institutions at the beginning of terms when they are enrolling students.
- Public employers when key politicians are up for re-election.

Timing for future strikes should be considered when settling on the expiration date of a new contract. If the expiration date you have now is not favorable, consider extending the agreement or working without a contract until a better time to strike.

Encourage workers to plan how to make themselves as hard to replace as possible.

For example, if workers have created their own procedures or devices for getting the job done, there is no reason why they have to leave them behind. In institutions and offices where records are kept on computers, supervisors and other replacement personnel may find it difficult if files and codes are understood only by the regular workforce.

Prepare workers for employer tactics during a strike.

Tell them in advance that...

- The employer will probably try to test workers to see how long they are willing to strike. If management feels that workers are expecting to strike only for a few days, it will wait that long and watch for signs of low morale.

Therefore, union leaders and members should not launch a strike unless they are prepared to stick with it for a long period. In many cases, management will not reach a settlement until it is convinced that union members will not cave in anytime soon.

- The employer will probably try to provoke picket line incidents in order to obtain an injunction against violence or “mass picketing” by large numbers of strikers. Strikers should strongly discourage strikebreakers from crossing, but should not allow themselves to be goaded into actions—such as destruction of property or threats of violence—that will make it easier for the employer to get an injunction.

Workers should assume that employers will be able to obtain an injunction, and plan a response ahead of time. What will be the cost to the strike of obeying the injunction and making it easier for the employer to continue operations? What will be the cost of disobeying the injunction and facing very large fines and even jail terms?

- Strikers may lose not only pay but benefits such as health coverage, vacation, and sick leave. (You should research this to find out what the employer can legally cut off. Look at the actual contract and benefit plan language.)
- The employer may try to replace strikers. If the strike is legally determined to be an “economic strike” over contract demands rather than in “unfair labor practice strike,” the employer could make any replacements permanent. This would mean that strikers would not have to be rehired until vacancies became available.

- The employer may attempt to directly communicate with workers through letters or contacts by supervisors. These communications may include a distorted explanation of the bargaining positions of management and the union and may include threats and promises to workers.
- Since union members who cross authorized picket lines are in violation of their duties as members, the employer will encourage workers to resign from the union in order to avoid possible fines by the union.

Sometimes union leaders feel that they shouldn't prepare workers for employer tactics because such talk might scare people. But many locals have found that workers are less likely to panic when the employer's counterattacks begin if they know what to expect.

Have a plan for what it will take at the bargaining table to settle the strike.

See tip sheet on bargaining mechanics.

Set policy in advance on union-provided legal representation for strikers.

For example...

- Will it cover members only or members' families and supporters invited to take part in picketing or other actions?
- Will it cover unauthorized actions?
- Will the union arrange bond? To what limit, if any?

Encourage workers to learn what they can about the employer's specific strikebreaking plans, including...

- Professional firms that may be used
- Strategy for recruiting strikebreakers
- Plans to stockpile supplies or finished products
- Plans to transfer struck work to other locations
- Instructions to supervisors for operating during a strike

This information can be gathered from workers in a position to know, management officials, members of other unions, and suppliers.

If strikebreakers may be used, check to see whether your state has any laws requiring employers to give notice before using strikebreakers, prohibiting bringing strikebreakers across state lines, or imposing any other restrictions or requirements on the use of strikebreakers.

Obtain official strike sanction.

Approval often is needed from the International union and from the AFL-CIO central labor council. Approval by the International is required under many union constitutions, and sanction by the labor council means that other unions in the area must respect your picket lines as permitted by law.

Send delegations or have members phone to request that employment agencies not refer anyone to the employer during a strike.

Make plans to collect dues directly from workers.

It is in workers' interest to keep the union as strong as possible during a strike. If a few members need to postpone payment until the strike is over, their request can be handled through the mutual support committee.

Note: Your dues collection plan should be ready as soon as the contract expires in case management claims you have reached impasse and imposes its final offer, including taking away dues check-off.

The Law On Replacing Strikers

Whenever possible, strikes should be called to protest unfair labor practices (ULPs) rather than to support demands for higher pay and benefits. Under the National Labor Relations Act...

- Workers who strike over unfair labor practices which the union can prove to the NLRB—such as refusal to bargain in good faith—have a right to get their jobs back from replacements when the strike ends. The employer must lay off or fire replacements if necessary to make room for returning strikers.
- Workers who strike for a better contract (economic strikers) must be reinstated only if their jobs were not taken by permanent replacements—for example, if the company hired a strikebreaking firm to supply temporary labor.

An employer does not have to make room for economic strikers by firing permanent replacements, but when openings become available, the company must rehire the strikers unless they have found comparable jobs elsewhere or there is some strong business reason why they can't be hired.

The employer does not have to rehire any strikers who take part in illegal activity or strike misconduct, such as intimidation and coercion of workers attempting to cross a picket line. The NLRB has even allowed employers to refuse to rehire strikers who made serious verbal threats to other workers.

Because workers conducting an unfair labor practice strike have more rights than economic strikers, the union must be very clear at every step about the reason a strike is being called.

- Officials speaking at union meetings where a possible strike is discussed must make clear that ULPs are the strike cause.

- The strike resolution adopted by union members should say that, “Whereas (employer) has engaged in unfair labor practices, the members of Local _____ hereby call a strike, to continue until such time as management stops engaging in unfair labor practices and negotiates in good faith with our union...”
- All printed materials, such as newsletters, leaflets, and posters, should identify ULPs as the reason for the strike (which does not mean they cannot also feature broader issues of public concern).

A strike can start out as an economic strike and then be converted to an unfair labor practice strike if the NLRB upholds ULP charges against management. But workers should never base campaign strategy on the assumption that ULP charges will be upheld, since the NLRB often rejects charges that seem crystal clear to the union. The fact that union members call their strike an unfair labor practice strike does not make it one in the eyes of the law; only the NLRB can do that.

Unity Committee

The Unity Committee (or Hardship Committee, Survival Committee, or Financial Support Committee) coordinates efforts to...

- Prepare workers well in advance to save money in case of a strike. Workers should be told that strike benefits will not make up for all of their lost income and they will need financial savings of their own. Point out that if the employer knows people are saving, a strike will be less likely.

If the local does not have a defense fund, it should establish one. Establish guidelines for contributions and benefits ahead of time so there is no confusion during a strike.

- Meet with management to figure out how strikers will receive paychecks they may be due for pre-strike work. Be prepared to take quick legal action if the employer attempts to delay those payments or to insist that workers come in for some propaganda along with the paycheck.
- Contact local businesses, banks, and credit unions about allowing late payments in the event of a strike. By doing this before a strike begins, you can both put pressure on management and explain to the community the issues and your efforts to resolve them without a strike.
- Identify needy families from the union who will need special assistance, and find volunteers to help them. As the saying goes, a chain is only as strong as its weakest link. If some members cannot afford to stay on strike, that becomes everyone's problem.
- Prepare a guide for workers on how to obtain public benefits, surplus food, or support they or their families are entitled to. Union staff or the local AFL-CIO central labor council often can help you obtain that information.

Sample Mutual Support Policy

Benefits

1. No funds will be available until two weeks after last paychecks are received. (Exceptions, if any, must be approved by the Mutual Support Steering Committee.)
2. To receive any funds, must be a member and must be fulfilling all strike duties as shown by records of picketing or committee work.
3. Must have exhausted all other resources:
 - Public benefits
 - Community resources
 - Bank accounts
 - Credit cards
 - Stock or bonds
 - Other jobs or business
 - Friends and relatives
4. Priorities:
 - Two people from household on strike
 - Sole support of family
 - Families with most dependents and smallest paychecks
5. Maximum benefit: \$_____ per week

Administration

1. Only the Local Executive Board has the authority to decide overall policy.
2. Only the Mutual Support Committee has the authority to decide benefits in individual cases. Decisions must be made by no fewer than _____ members of the committee.
3. The Mutual Support Committee will provide a specific accounting for all spending to the Local Executive Board at least once a week.
4. All information provided by individual members shall be kept strictly confidential by the Mutual Support Committee.

Headquarters Committee

This committee should prepare a central location where picket captains and other picketers can report problems, volunteers can get assignments, strikers can get answers to questions, and supplies and materials can be stored and readied for distribution.

A clear schedule should be established so that a responsible leader is always on duty and in charge.

Arrange in advance for supplies, phone lines, and equipment so that they will be in place and ready for workers to use if a strike begins.

Picket Committee

This committee must carry out the following duties or make sure that other committees are set up to do so:

- Set up a schedule for picketers. Factors to take into account include the following:
 - Sharing the burden fairly
 - Taking individuals' family responsibilities into account to the extent possible
 - Using natural social groupings (people who know each other and work together, for example) so picket line duty will be more comfortable and pleasant. (On the other hand, picket duty can be an opportunity to make workers from one department or work area more familiar with the concerns of workers from other areas.)
 - Mixing more experienced and less experienced union members to ensure that individuals who can provide leadership are always present
- Choose picket captains to be in charge of each picket line at all times. Picket captains should be respected, experienced union leaders. Choosing them provides a good opportunity to show each subgroup in the union that their participation is valued.

Picket captains must be given total authority to remove picketers who engage in improper conduct. At the same time, worker complaints about picket captains should be investigated and resolved quickly before morale is affected.

Picketers should be told to pick a captain if for some reason their designated captain is not there. Picket captains should report to strike headquarters by phone or in person after every picketing shift. (See checklist.)

- Train workers who will be picketing. A brief training session should cover the schedule, guidelines on conduct on the line, and the need to refer reporters or any other visitors to workers designated for that purpose.

Special training should be held for picket captains to stress their responsibility to maintain order and report on incidents, attendance, and suggestions or questions from workers.

- Make sure that supplies such as signs and food are at the right location at the right time.
- Identify nearby restrooms and pay phones so picketers don't have to enter struck buildings for either purpose. In some cases, a rented portable toilet may be necessary.
- Organize cooperative child care and transportation as needed.
- Plan for picket line activities. For example, prepare a basic list of chants which will be fun to say and will express workers' feelings about strike issues.

Someone should be prepared to teach picketers simple labor songs that fit the situation. Often, the best way to come up with songs is to take popular songs everyone will know and write new lyrics. Try to identify a worker, family member, or supporter who could come to the picket line with a guitar.

- Keep accurate records on who fulfills their picket duty. Locals normally make picket duty a requirement for receiving strike benefits, and that rule cannot be enforced without accurate records.

In addition, failure to show up for duty as reflected in the records may signal either a lack of support for the strike or personal problems (such as lack of child care or transportation) that should be dealt with.

- Establish communication with law enforcement officials. Attempting to get to know them probably won't help if the employer demands action against picketers, but it might at least mean that you get some advance warning of police plans.
- Make sure the picket line always includes a camera and someone trained to use it in case you need independent evidence of incidents or employer tactics.

If you want to publish photos of workers taken at the picket line, be sure to obtain their permission.

(Management also has the right to photograph or videotape picket line incidents, but it is an unfair labor practice for management to take pictures of legal, peaceful picketing.)

Sample Strike Duty Survey

In order to win our strike, every member must take part in picket duty. This survey will help your picket committee make the best use of your skills and interests and make your picket duty assignments as convenient as possible.

Please return it to

by _____

Your name _____ Work location _____

Normal hours of work from _____ to _____

Home mailing address

Home phone number _____

Cell phone number _____

E-mail _____

Tell what times you prefer for picket duty:

1st choice (Check one) I Days I Evenings I Nights

2nd choice (Check one) I Days I Evenings I Nights

Can you help with the following?

I Driving (delivering foods, supplies, and newsletters)

I Supplying a truck or van for that purpose

I Doing office work

I Child care I in your home I in another location

Other ways you would like to help _____

Other members of my family can help on: (days and hours)

Checklist for Daily Phone Reports by Picket Captains to Strike Headquarters

- How many pickets appeared?
- Did any workers or replacements cross the line? If so, how many? Who?
- Did news reporters, management officials, or unidentified outsiders visit or observe the picketing?
- What questions should be answered or topics covered in strike bulletins?
- What factors are strengthening or weakening worker morale? If morale is low, what should be done?
- Which workers, if any, need special attention from the Hardship/Mutual Support Committee because of financial problems or family difficulties?
- Are any supplies needed?

Sample Format for Weekly Picketing Reports

Location

Covering Monday _____ through Sunday

Shift: from _____ to

Picket captain

How many people picketing?

Who are they?

Date

Time Started

Time Finished

Problems at picket line?

Suggestions? _____

Supplies needed?

Pickers:

Name

Home phone

Mon

Tues

Wed

Thurs

Fri

Sat

Sun

(Use additional sheets if necessary)

Please turn in to strike headquarters by Friday at 6 p.m. Thanks!

The Law Against Targeting A ‘Secondary’ Employer

According to the U.S. Supreme Court, a union with a dispute with one, “primary” employer generally can boycott the primary employer’s goods and services or leaflet customers of another, “secondary” company. However, the union cannot conduct coercive picketing designed to physically discourage customers. This may be interpreted to mean no marching, chanting, or carrying of signs.

A union can engage in normal picketing or boycott activity...

- If the secondary employer is handling “struck work” that wouldn’t have been farmed out if it weren’t for the strike against the primary employer.
- If the two employers are so closely allied that they have common ownership and control over operations and labor relations policy.

Consult experienced organizers and attorneys when facing decisions about potential secondary picketing or boycott activities. These decisions can be very complicated, depending on the particular facts of the relationship between the employer and the other company.

Picketing Separate Entrances or “Gates”

If the employer sets up a separate entrance for workers, suppliers, or customers of a neutral employer (for example, a construction subcontractor at a hospital), the NLRB says you cannot picket those other “gates.”

However, you can picket gates that are “tainted” because your employer is using them for its workers, suppliers, customers, or other people the gates were not intended for.

Photographs are the best evidence.

Sample Rules for Picketing

Picketing is an important activity. By picketing, we protect our jobs, build our own unity, and send a message to management and the community.

Misconduct on the picket line by a few individuals could cause us to be hit with court injunctions and could damage our image in the community.

Please observe the following rules. The picket captain has the authority to enforce these rules, and to remove anyone who does not follow them.

- Report to the picket captain when you arrive and when you leave. Records will be kept of all picket duty performed.
- Be on time. If each group of pickets arrives on time, then everyone will be able to leave on time as well.
- Don’t leave your post until the next group is there to relieve you.
- You may be asked to change location or shift depending on our needs. Please cooperate. These requests are made to keep our lines as strong as possible.

- Talk to people who cross the line and try to convince them to support the strike. Think about what would convince you if you were in their shoes.
- Refer any strangers, media people, employer representatives, or police to the picket captain, even if they appear friendly. Statements made by uninformed pickets may be used against the union in court or in the news media.
- Report any unusual incidents to the picket captain, who in turn reports to strike headquarters.
- If rumors threaten to disrupt the picket line, ask the picket captain to check them out with strike headquarters.
- Wear comfortable clothing and shoes, and be prepared for the weather.
- Rotate rest periods so the line is always strong.
- Do not enter the struck facility for any reason.
- There will be no drugs, no alcohol, no weapons, and no violence on the picket line.
- Don't litter or lounge in front of the building. Plastic trash bags will be available. We want members of the community to respect us for what we stand for and the way we conduct ourselves.
- In an emergency, call the following number _____

Keeping A Strike Strong

- Maintain a system for contacting each striker by phone, e-mail, or in person as if you were in an organizing drive. Home visits or a phone tree often are the only reliable way to prevent the spread of rumors and to discover problems or doubts individual members may have.

Weekends are the most important time to renew contact with each worker, since most people who decide to cross the line do so on Mondays.

- Publish daily strike bulletins. Daily one-page bulletins help you control rumors, answer questions, and keep workers from losing sight of the larger effort the picketing fits into.

Bulletins may include cartoons or jokes about management, examples of ways that members are helping to keep the strike strong, and information about progress in negotiations, bargaining issues, support received from other organizations, and the need for volunteers for particular tasks. The color of the paper should be changed each day.

- Arrange frequent picket line visits by union leaders. Even if there is no progress to report, negotiating committee members, officers, and contract campaign committee leaders must

take turns visiting the picket lines to boost workers' morale, answer questions, and stay in touch with what workers are thinking.

If leaders don't join the picketing, workers feeling the stress of being on strike may take out their frustrations on their leadership: "Wonder what they're doing anyway? You don't see them walking around out here in the rain..."

- Publicize a phone number or a Web site workers can reach for the latest information so they don't have to rely on rumors.
- Use the strike as an opportunity to provide union education for members and their families. For example, a strike may be an occasion when they have the time and interest to learn how to produce leaflets or to speak to community groups, attend workshops on health and safety or corporate research, or take part in extra stewards' training.
- Use entertainment to educate and keep up spirits. You could show labor related films and videos or arrange concerts by local musicians. Invite members of other unions and the general public as a way to build community support and raise money.

Sundays are a good time to hold such events in order to build momentum for the following week and keep workers from deciding to cross the line.

- Don't automatically assume you can't reach the replacement workers, especially if they are not professional strikebreakers. Sometimes replacements are not aware of the issues involved, and a peaceful, reasonable conversation at their home or near the job site may affect their views.

If not, stronger tactics such as picketing their homes may discourage them from strikebreaking. Check with your local legal counsel.

Other activities that relate to strike activity—such as use of the news media and ways to generate community support—are described later in this part of the manual.

Ending A Strike

Just as escalation is needed to build workers up to the point where they will strike or take part in other strong contract campaign actions, de-escalation is needed to prepare workers psychologically for a settlement.

- Having been pushed by management into drastic action involving loss of income and a spirit of confrontation, some workers will be too angry to welcome a compromise with management—and could turn on union leaders for "selling out" no matter what the tentative agreement provides.
- If the union has used a rolling strike or selective strike, different groups of workers may be in different frames of mind. Those who have been on strike may have a more negative attitude toward a settlement because they are afraid the agreement will not be worthy of the sacrifice they have made, or they may be more eager than other workers to get the strike over. Those who have not been on strike may be eager to get their turn before a settlement

is reached, or because they didn't strike they may have less emotional commitment to continuing the struggle.

Key points to emphasize about settling in an emotionally charged strike situation include...

- Prepare workers for a settlement and start getting everyone on the same wavelength. Some locals start sending the membership signals as soon as they realize an agreement is likely. They report every sign of movement and give workers time to get used to the idea that the strike may be over.
- Don't formally reach agreement until you have had a chance to let your key worksite leaders know that a settlement may be near. Often, workers who might otherwise have been pleased with the terms of a settlement become angered because they first hear that there is a settlement from the news media or from management officials.