

Drawing a Line in the Sand



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We often hear world leaders talk about drawing a line in the sand, making the point — even if it's just rhetorical — that they won't be pushed around. As many of our employers, both in private business and the public sector, become more aggressive about gutting our contracts, it is time for stewards to draw this same line and bring their members together to defend all we've struggled for.

The most visible and highly publicized retreats by unions occur in contract negotiations, when we give up gains — guaranteed wage scales, regular raises, health insurance coverage, defined benefit pensions — that have been slowly accumulated over years of hard bargaining.

Unfortunately, this list of concessions seems endless. But it is in our daily work lives that we are likely to feel the employer's surge most painfully. Here is where a strong steward can make a huge difference. You are, after all, the first line of defense for union conditions and are confronted daily with the changes — some dramatic, some sly — that the bosses try to impose.

“Get More from Fewer”

The management slogan for the 21st Century is, of course, “get more from fewer,” a slogan that has devastated the economy but also created intense pressures to 1) add additional responsibilities for each of us — what used to be called “combination jobs” — and 2) increase subcontracting so that “middle-class” jobs — that is, union jobs, our jobs — are doled out to individuals who don't get any of our benefits, such as health insurance.

These individuals may even be misclassified as “independent contractors” so that they are without even the most mini-

mal legal protections. While these poor souls need to organize unions to protect themselves, stewards' main concern should be our own members.

In the first place, a steward should be careful of “combination jobs.” Some bright industrial engineer is busy as we speak, calculating ways to get more from each worker by adding a little more responsibility, one more step in the work process, to every existing job classification. Make widgets? Now make gizmos as well. Answer 10 phone lines? Now do the filing too. Teach 30 kids? Now help mop the hall. Management hopes to take advantage of the weakened union movement, new technology and a general climate of economic fear to



push through these changes. Back in the day, it was called “stretch-out” — having one worker in a textile factory cover more looms for the same pay. Companion to the stretch-out was the speed-up: a worker not only had more looms to tend, but the machines ran faster.

Disappearing Positions

In every case, new technology and a weak organization by the workers allowed the bosses to move, almost without opposition, toward the “efficient” operation — now called “lean and mean” and accomplished by stealthy steps until full-time positions magically disappear.

Stewards will — or should — notice any changes in their work areas, as additional tasks are added to the responsibility of each worker, usually without any notice to the union and certainly without any offer from the boss to negotiate the changes.

A reactive steward will wait until one of the members complains about too much work or suffers a discipline for not keeping up. But a sharp and proactive one will keep track of all changes in work assignments and encourage the union officers to

demand to bargain over these changes. Having a rapid communications network, linking all of the union members, is essential so that every change will be immediately reported, rather than leaving it to some chance conversation with a steward before a union officer is alerted. Stewards should call department meetings to focus the attention of the members — and even the free riders in situations where workers don't have to be union members — on subtle changes that will have a negative impact on their job security.

By demanding to negotiate over these changes, and spreading the word to all of the members, suddenly the union appears to be on the offense, raising the morale of the membership and maybe — just maybe — forcing the boss to think twice before attempting another combo job.

Watch for Subcontracting

Drawing the line in the sand over subcontracting uses the same proactive attitude and communications network. One shrewd steward at a Baltimore newspaper kept track of all of the subcontracted work in her department, and when the totals began to approach the same hours as a full-time job, she went to the boss and demanded that a laid off union member be recalled to work. If you are having a hard time finding out about the amount of subcontracted work, file a request for information. It's your right to do so. It is helpful, of course, to have strong contract language about bargaining unit work but, even without it, the union should file for every available hour. It's also good to use these grievances to support a demand in your next contract negotiations for better language protecting the work.

On a global scale, of course, protecting our work changes the distribution of wealth and works to make sure that the so-called “economic recovery” also includes more jobs and increased hiring — and stronger unions.

— Bill Barry. The writer is director of labor studies at the Community College of Baltimore County.

Challenging Production Standards

Working in an environment where work is measured and standards are in place poses a special set of challenges for stewards. How do we know when we have a grievance? What is the best way to challenge the standards? As in all matters, the language in your contract is the most important information in answering these questions, and just reinforces the old adage to 'know thy contract'. But where the contract is silent, the following general guidelines may help you navigate the issue of standards grievances. These guidelines will help whether you're white collar, pink or blue, and virtually regardless of what type of work is involved.

First off, it's important to understand that just because your employer shows you some official-looking computer printouts, there is plenty of room for error. Standards are not scientific, nor are they "accurate" in any absolute sense. This is true of all work measurement techniques, since they depend on subjective judgments in different phases of their application. At the end of the day, we want to avoid using words like *accurate*: standards are either acceptable or unacceptable to the people who work under them.

With that said, it is helpful if we can base our case on arguments that the work measurement technique is inappropriate or that it has been misapplied in setting the standard. Even though workers' judgments about effort levels required by production standards have merit, few arbitrators are impressed by workers' opinions. Like it or not, to be most effective the union should use the logic of work measurement as the main tool in criticizing engineered production standards.

WHEN DO WE HAVE A STANDARDS GRIEVANCE?

Knowing when to file a grievance about standards can be tricky. Often when workers feel that the effort level required for meeting the standard is unreasonable, they will approach you to file a grievance. In situations where pay is based on output, workers may feel that they cannot make a reasonable amount of money in return for a reasonable amount of effort. As in any grievance, investigation is your next step.

Problems with the standards may be general or specific:

- All standards may be considered too demanding.
- Standards may be too demanding in particular areas or for particular tasks.
- Standards may be too demanding under specific conditions or at specific times.

While it is often difficult to get people to be specific about the exact nature of their problems, getting a clear definition is vital because it may help identify the causes more rapidly.

What is the Best Way to Challenge the Standards?

The three most likely causes of problems with standards are:

■ Non-standard or missing work.

Extra work is being done that was not included in the original calculation of the standards. For example, if there is a change to a molded casting that adds new gates that a worker must grind off, then the time to perform this operation must be added. In another example, part of an operation requires printing and applying labels that are on a 500-piece roll that runs out twice a shift. Since the operator is responsible for loading and maintaining that label printer, the time required to do

the loading and maintenance must be included.

■ **Deterioration of standard conditions.** Determine as completely as possible where and under what conditions the standards were developed. Document differences between conditions when the standards were set and conditions today. For example, in a warehouse there may be periods during which seasonal items that are in high demand cause excessive delays because of increased congestion in the aisles where these items are stored. One solution would be to negotiate a temporary reduction in the performance level at which the standards are enforced, or to increase the delay allowance.

■ **Inadequate fatigue and delay allowances.** Fatigue and delay allowances are multipliers that directly impact the bottom line of how much time is allowed by the standard. It's important to know how the company determined its delay allowance, and to document all delay time that people are actually experiencing. Workers can gather data by keeping logs or tracking a random sample of orders spread over time.

You should also request the procedure by which the company established their fatigue allowance. We can criticize the company's numbers by demonstrating the physical impossibility of doing the work as specified in their fatigue tables. Demonstrate that these fatigue tables are based on subjective judgments rather than scientific study: ask management to produce the scientific studies that were used to determine the numbers on the table. Often there will be none.

It's About Bargaining

In a very real sense discussions about standards are, in essence, bargaining. As anyone who has been part of a bargaining team knows, you don't always get what you deserve — you get what you negotiate. Knowing what you must have vs. what you'd like to have is important, and you need to be careful not to get bogged down on minor details.

— Michael Childers. The writer is assistant professor at the School for Workers, University of Wisconsin-Extension.

New Protections for Union Activity

Union activists in the U.S. now have some new protections against bosses who retaliate against workers engaging in union activities or seeking union protection. Recent National Labor Relations Board decisions have staked out stronger restrictions on employers in three different areas. Here is a quick look at these important cases.

Broadening “Concerted Activity”

While “concerted activity” by employees has always been protected by the National Labor Relations Act, sometimes a worker is punished even before he or she has had a chance to make a public issue about a workplace concern. No longer, at least according to a case identified as the *Parexel International* case, in which the labor board found that employee protections can come into play much earlier than before. In this landmark case an employee was upset because she believed she was a victim of wage discrimination based on national origin. When she complained to management, she was fired. Ordinarily, it’s protected activity under the law to raise concerns about wages, so it’s an unfair labor practice to retaliate against an employee who does so. But the legal question here was whether this activity was “concerted,” since the employee’s complaints were voiced only by her, and she hadn’t yet “stirred up any concern about wages or possible discrimination among other employees.”

What happened here, the labor board ruled, was that the company fired the worker who complained in order to prevent her from making common cause with her co-workers. While the company argued that it had done nothing illegal, since the worker hadn’t yet brought any other workers into the issue, the NLRB

ruled that the firing constituted a “pre-emptive strike” by management, and therefore violated the law. In the colorful language of the board majority, the company “sought to erect a dam at the source of supply of potential protected activity.”

Lesson for stewards: when a member faces any type of retaliation for complaining to a supervisor, the law may well find that the employer acted illegally, even if the employee was acting solo.

Taping Disciplinary Interviews

Another recent case gives useful guidance on how to handle a tricky scenario that sometimes arises in *Weingarten* cases.

A member comes to you to ask about union representation at a meeting with a supervisor. You establish that the meeting meets the tests that trigger the *Weingarten* right to representation: it’s an “investigatory interview” (meaning that the employee will be asked questions) that disciplinary actions may result from the meeting, and that the employee “reasonably believes” this to be the case. So the employee makes the request to have a union representative present, but the employer refuses.

What to do? If the employer insists on going ahead with the meeting and directs the employee to answer questions unaccompanied, you can and should follow up by filing a grievance or an unfair labor practice charge. Those can take quite a while to resolve, however, and the immediate problem is that if the employee refuses to attend the interview, there’s the threat of discipline for insubordination.

A recent NLRB case dealt with the issue of a Newspaper Guild-represented employee in this situation, who went

ahead and attended the meeting but recorded it surreptitiously. When the company found out about the recording, it took disciplinary action against the worker. Though the company had no rule prohibiting secret recording on the premises, it argued to the NLRB that the employee’s actions constituted misconduct that merited disciplinary action. The NLRB, however, ruled in this case, *Stephens Medical Hawaii Tribune-Herald*, that the secret recording was “protected activity” and so the subsequent disciplinary action constituted an unfair labor practice.

Lesson for stewards: advise members in this situation to record the meeting, since this will serve as a better record than just taking notes of what’s said. But be careful: if there’s a workplace rule prohibiting secret recordings, the employee may then run the risk of discipline for violating that rule. Plus, you can only record a

conversation secretly if you’re in one of the 38 states (and the District of Columbia) that don’t prohibit such recordings.

No Filming of Union Activists

There’s more good news in yet another recent NLRB decision. In *Cobb Mechanical Contractors*, the company claimed that it acted legally when it photographed some union activists who were serving as “salts” — that is, activists applying for a job with an employer with the goal of organizing the workers there — trying to prove that the company was committing unfair labor practices by refusing to hire union supporters. The NLRB took the opportunity to reaffirm that such activity (including videotaping or digital recording) tends to intimidate employees from engaging in union activity, and therefore is illegal.

Lesson for stewards: as unions increasingly protest against employer actions in rallies and other public venues, there’s strong legal protection if an employer tries to intimidate attendees by recording who’s there.

— Michael Mauer. The writer, a labor attorney, is author of *The Union Member’s Complete Guide: Everything You Want — and Need — to Know About Working Union*.

Videotaping of unionists found to be intimidating — and therefore illegal

“Preemptive firing” breaks the rule protecting concerted activity

Stewards need to kick back once in a while and relax. After a hard day on the job promoting the union and defending workers' rights, a little entertainment is just what the doctor ordered. But gimme a break; is there anything out there that tells stories about real people, about working people? And, by the way, have you ever noticed that you never hear "union" mentioned on television — except when there's a strike or a picket line?

The fact is, there are a lot of great labor films out there, but most of them never make it onto television. They're pretty easily available, though, so hold onto this article and check out your local video rental store next time you need an entertainment break. If you can't find these for rent, get in touch with the Labor Heritage Foundation (815 16th Street NW, Washington, DC 20006; 202-639-6204; www.laborheritage.org), a non-profit group that has a catalogue containing these films and a lot of others.

One last thought: why not offer a movie at your next union meeting? It'll be a great change of pace and might draw a larger crowd than normal.

Made in Dagenham

This film portrays the spirit and resolve of the women workers at the Ford assembly plant outside London who went on strike in 1968 for equal pay. By taking action and refusing to sit quietly like "well behaved British ladies" their protest grabs the attention of the nation and leads to the passage of the Equal Pay Act.

The Big One

About Michael Moore — comedian and guerrilla filmmaker — and his 1996 tour promoting his book "Downsize this!" It pokes fun at the corporate bigwigs by allowing the rascals to speak for themselves. Sweatshops aren't funny, but when the CEO of Nike is interviewed and presented with a round-trip ticket to

8 Great Labor Movies



Indonesia to visit his own shoe factories, you gotta laugh.

Brassed Off

A bittersweet comedy about the plight of a British coal mining community facing economic crisis. The fate of the miners, and their families, seems to depend upon the fortunes of the Grimley Colliery Band that hopes to

win a nationwide competition of brass ensembles. The musicians, who are all workers, try to play their best but they constantly have other things on their minds — like the closure of their mine and the loss of their jobs.

The Full Monty

Six unemployed steelworkers with nothing left to lose — except their clothing! This enthusiastic portrayal of real-life factory workers was a box office hit in England (where it takes place) and in North America when it made it into theaters here. You might laugh at the choreography of this male dancing troupe, and why not? Even though their lives have been hardened by steel, the men who get up on stage to dance overcome their fears with a spunky attitude.

Norma Rae

Sally Field won an Oscar for her performance as a textile worker in the South who organizes a union in her mill. In a North Carolina factory town everybody knows your business and Norma Rae has to wage a personal struggle to handle the competing demands of her social life, her family and her union. Check out this film's award-winning song, "It goes like it goes," which also won an Oscar.

The Proud Valley

This classic film is about self-sacrifice and community in the face of disaster. The great Paul Robeson plays a stoker seeking work in a Welsh mining town. His robust baritone voice is immediately noticed by the choir director, who invites him to join. The camaraderie of the miners crosses race and ethnic lines; Robeson's presence is commanding.

Salt of the Earth

This emotionally charged film was made at the height of the McCarthy era and it tells the story of a strike in Silver City, New Mexico, in 1950. Against a backdrop of social injustice, Ramon and Esperanza Quintero find their roles reversed when an injunction against the male strikers moves the women to take over the picket line. Most of the actors in this labor classic were actual participants in the strike. Frequently cited as the best American labor film ever made.

Silkwood

Meryl Streep plays Karen Silkwood, a union activist who, in 1974, died in a mysterious car crash. Silkwood is about union martyrdom and the fight for health and safety in a plutonium processing plant. Cher, along with Kurt Russell, are cast members in this major motion picture.

— Saul Schneiderman. The writer is president of AFSCME Local 2910 and secretary of the Labor Heritage Foundation.

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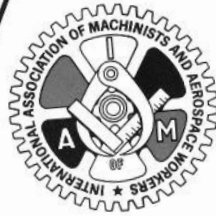
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Dear Sisters and Brothers,

As this edition of IAM Educator was being prepared, I had just returned from a massive rally in Madison, Wisconsin that brought out almost 100,000 union members and supporters to protest GOP Governor Scott Walker's underhanded tactics that stripped collective bargaining rights for almost 200,000 public-sector workers. The rally was larger than the biggest Tea Party rally ever, in Washington, DC in 2009.

Walker's bill prohibits collective bargaining over issues such as: sick days, seniority rights, transfer and promotion rights, health care, pension benefits, vacations, health and safety, layoff and recall rights, medical leave and work rules. Walker passed it off as a budget-repair bill, but Wisconsin was headed for a budget surplus until the GOP gained control of legislature and passed Walker's Tea Party-inspired tax cuts that benefited businesses and wealthy residents.

While I was outraged at Walker's betrayal of state employees, I was encouraged by the outpouring of support for Wisconsin's working families. The valiant efforts by the state's 14 Senate Democrats, rank-and-file union members and community supporters was greater than I have seen in many years. Although Walker was able to use a parliamentary trick to pass the bill, his support among the public has plummeted, and the effort to recall him and his Senate GOP cronies is growing.

All of us need to keep the momentum generated in Wisconsin going as the same battles are cropping up in other states like Ohio, Michigan and Indiana. The GOP and their corporate supporters are going to try to deliver a knock-out blow to labor before the 2012 election. We must not let that happen.

Collective bargaining is a fundamental human right, one that workers have died for in the United States and Canada and one that many people still lose their lives for in struggles across the globe. As Stewards, I urge you to get involved wherever you live, and help defeat this assault on our basic human right to bargain collectively.

In Solidarity,

R. Thomas Buffenbarger

R. Thomas Buffenbarger
International President

