



# Workplace Issues and Collective Bargaining in the Classroom

A joint project of the Los Angeles Unified School District and United Teachers Los Angeles. The "Workplace Issues and Collective Bargaining in the Classroom" curriculum examines labor-relations issues with high school students.

Teachers are encouraged to contact the Collective Bargaining Education Project office at the address listed below for revisions and updates.

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Collective Bargaining Education Project

# Workplace Issues and Collective Bargaining in the Classroom

*A role play and simulation curriculum on labor relations  
for secondary social studies compiled by Linda Tubach and Patty Litwin*

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## INTRODUCTION

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This curriculum represents a collection of the very best lessons we have found to bring a labor perspective to teaching U.S. History, U.S. Government and Economics, revised and adapted to our urban classrooms. We have had the privilege to teach and revise these lessons in high school classrooms throughout the Los Angeles Unified School District (LAUSD) continually over the last four years, as the heart of a new instructional program for secondary social studies called the Collective Bargaining Education Project. In the process, we have learned that these lessons can be valuable in Math, Life Skills/ Career Planning, and English classes, and can be used successfully in middle school classrooms.

The lessons in this curriculum address labor relations conflicts that are meaningful and complex, and they consist of role plays and simulations that are student-centered and participatory. The outcomes are not predetermined; they depend on the critical thinking efforts of the students, individually and collectively. We intend for students to learn that nothing in history or contemporary society is inevitable, and that we all have the ability to shape our futures in the workplace and beyond.

We are deeply indebted to Bill Bigelow, high school social studies teacher and *Rethinking Schools* editor in Portland (Oregon), for introducing us to the critical role play pedagogy that makes this curriculum succeed in engaging our students. We especially appreciate the permission given by Bill Bigelow and Norm Diamond to use and adapt two labor history simulations from their powerful curriculum called *The Power In Our Hands*, and we urge teachers to obtain the entire original work from the *Teaching for Change* catalog published by the Network of Educators on the Americas (800-763-9131). We are also grateful to June McMahon at the UCLA Labor Center, the California Federation of Teachers (CFT) Labor In The Schools Committee, the Teamsters Union, and the United Auto Workers for the original materials we used to create our collective bargaining simulation and workplace rights lessons. Finally, we want to thank the Resource Center of the Americas for their permission to revise the lesson “Social Responsibility vs. the Bottom Line” for this curriculum. A special thanks is also due to Fred Glass who created the labor history documentary *Golden Lands, Working Hands* for the CFT and provided segments for our use in the video resources tape that accompanies this curriculum, and to Charlie Kernaghan and the National Labor Committee for use of their video, *Zoned for Slavery*.

Lastly, we want to credit Hugo Morris, Rosalind Schwartz, and Lloyd Loomis of the Southern California Industrial Relations Research Association (IRRA) for obtaining the grant from the Federal Mediation and Conciliation Service (FMCS) that launched our program full time in LAUSD. Thanks also goes to Kent Wong, director of the UCLA Labor Center, for his constant encouragement and to Sheldon Friedman (National IRRA) for obtaining a second FMCS grant to implement the Collective Bargaining Education Project nationally and publish this curriculum. Without these grants, the collective bargaining experience for high school students in Los Angeles would not have advanced beyond our annual one-day field trip event or our individual classrooms, to the thousands of students every year that now participate in these important lessons. Now, as a full time social studies instructional program, we deeply appreciate the United Teachers Los Angeles (our union), the LAUSD, and the LA County Federation of Labor for their ongoing support.

### **In solidarity, Linda and Patty**

**A special note to classroom teachers:** Our constant classroom practice and feedback from students and their teachers makes this always a “work in progress”, and we are grateful to all the LAUSD teachers who have invited us to work with their students. Please contact us when you do a lesson for the latest revisions. We have shorter and simpler versions of collective bargaining (Lesson 1) and a version of the union organizing campaign (Lesson 4) in Spanish. We also encourage you to contact us for a visit to your school—we have funding to pay our expenses to demonstrate lessons in classrooms out of town, to train teachers in workshops, and/or conduct a collective bargaining field trip event for students. You can reach us at 213-386-3144 or cbep@lausd.k12.ca.us.



### *Meeting the Standards*

Current curriculum standards require the integration of labor history and labor relations education in social studies. The lessons developed by the Collective Bargaining Education Project address the national standards that have been created for the social studies disciplines outlined below. For a full description of each national social studies content standard, visit the websites listed for each discipline:

## **1. Collective Bargaining Simulation: The Case of E-Z Auto Insurance Co. and Union Local 101**

### *History*

- National Center for History in the Schools  
<http://www.sscnet.ucla.edu/nchs/standards>  
Historical Thinking Standards 1, 2, 3, 4, and 5  
U.S. History, Era 8, Standard 2  
U.S. History, Era 10, Standard 2A and E

### *Social Studies*

- National Council for the Social Studies  
[www.socialstudies.org](http://www.socialstudies.org)  
Standards I, V, VI, VII, VIII, and X

### *Civics and Government*

- Center for Civic Education  
<http://civiced.org/stds.html>  
Standards I, II, III, and V

### *Economics*

- National Council on Economic Education  
[www.economicsamerica.org/nctext.html](http://www.economicsamerica.org/nctext.html)  
Standards I, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, and 19

## **2. Homestead Strike of 1892**

### *History*

- National Center for History in the Schools  
<http://www.sscnet.ucla.edu/nchs/standards>  
Historical Thinking Standards 1, 2, 3, 4, and 5  
U.S. History, Era 6, Standards 1, 2, and 3  
U.S. History, Era 7, Standard 3B  
World History, Era 7, Standards 2 and 4  
World History Across the Eras, Standard 1

### *Social Studies*

- National Council for the Social Studies  
[www.socialstudies.org](http://www.socialstudies.org)  
Standards I, II, III, IV, V, VI, VII, VIII, and X

### *Civics and Government*

- Center for Civic Education  
<http://civiced.org/stds.html>  
Standard V

## ***Economics***

- National Council on Economic Education  
[www.economicsamerica.org/nctext.html](http://www.economicsamerica.org/nctext.html)  
Standards 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, and 19

### **3. 1934 West Coast Longshore Strike**

#### ***History***

- National Center for History in the Schools  
<http://www.sscnet.ucla.edu/nchs/standards>  
Historical Thinking Standards 1, 2, 3, 4, and 5  
U.S. History, Era 8, Standards 1 and 2  
World History, Era 8, Standard 3E  
World History Across the Eras, Standard 1

#### ***Social Studies***

- National Council for the Social Studies  
[www.socialstudies.org](http://www.socialstudies.org)  
Standards I, II, III, IV, V, VI, VII, and X

#### ***Civics and Government***

- Center for Civic Education  
<http://civiced.org/stds.html>  
Standards I, II, III, and V

## ***Economics***

- National Council on Economic Education  
[www.economicsamerica.org/nctext.html](http://www.economicsamerica.org/nctext.html)  
Standards 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, and 20

### **4. Case Study of a N.L.R.B. Union Representation Election**

#### ***History***

- National Center for History in the Schools  
<http://www.sscnet.ucla.edu/nchs/standards>  
Historical Thinking Standards 1, 2, 3, 4, and 5  
U.S. History, Era 8, Standard 2B  
U.S. History, Era 10, Standard 2A and E

#### ***Social Studies***

- National Council for the Social Studies  
[www.socialstudies.org](http://www.socialstudies.org)  
Standards I, II, IV, V, VI, VII, VIII, and X

#### ***Civics and Government***

- Center for Civic Education  
<http://civiced.org/stds.html>  
Standards I, II, III, V

## ***Economics***

- National Council on Economic Education  
[www.economicsamerica.org/nctext.html](http://www.economicsamerica.org/nctext.html)  
Standards 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, and 19



## **5. Your Rights in the Workplace**

### ***History***

- National Center for History in the Schools  
<http://www.sscnet.ucla.edu/nchs/standards>  
Historical Thinking Standards 1, 2, 3, 4, and 5  
U.S. History, Era 8, Standard 2  
U.S. History, Era 10, Standard 2A and E

### ***Social Studies***

- National Council for the Social Studies  
[www.socialstudies.org](http://www.socialstudies.org)  
Standards I, II, V, VI, VII, VIII, IX, and X

### ***Civics and Government***

- Center for Civic Education  
<http://civiced.org/stds.html>  
Standards I, II, III, and V

### ***Economics***

- National Council on Economic Education  
[www.economicsamerica.org/nctext.html](http://www.economicsamerica.org/nctext.html)  
Standards I, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 19, and 20

## **6. Social Responsibility vs. the Bottom Line**

### ***History***

- National Center for History in the Schools  
<http://www.sscnet.ucla.edu/nchs/standards>  
Historical Thinking Standards 1, 2, 3, 4, and 5  
U.S. History, Era 10, Standard 2A and E  
World History, Era 9, Standard 3  
World History Across the Eras, Standard 1

### ***Social Studies***

- National Council for the Social Studies  
[www.socialstudies.org](http://www.socialstudies.org)  
Standards I, II, III, IV, V, VI, VII, VIII, IX, X

### ***Civics and Government***

- Center for Civic Education  
<http://civiced.org/stds.html>  
Standards I, II, III, IV, and

### ***Economics***

- National Council on Economic Education  
[www.economicsamerica.org/nctext.html](http://www.economicsamerica.org/nctext.html)  
Standards I, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, and 19



*Meeting the History—Social Science Content Standards for California Public Schools (California Department of Education, March 2000):*

Current California curriculum standards require the integration of labor history and labor relations education in social studies. The lessons developed by the Collective Bargaining Education Project address the California History—Social Science Content Standards for grades 10—12 listed below. For the full text of each standard, go to our website at [www.lausd.k12.ca.us/lausd/offices/cbep](http://www.lausd.k12.ca.us/lausd/offices/cbep) or to Online Resources for Schools of California at <http://score.rims.k12.ca.us>.

**1. Collective Bargaining Simulation: The Case of E—Z Auto Insurance Co. and Union Local 101**

- Grade 11—U.S. History  
Standard 11.6 (on the New Deal and organized labor)
- Grade 12—Principles of American Democracy (U.S. Government)  
Standards 12.2 and 12.3 (on economic rights and civil society)
- Grade 12—Principles of Economics  
Standards 12.1 to 12.5 (on economic concepts and reasoning, elements of the market system, role of the government, labor market, and economic indicators)

**2. Homestead Strike of 1892**

- Grade 10—World History  
Standard 10.3 (on the industrial revolution)
- Grade 11—U.S. History  
Standard 11.2 (on industrialization)
- Grade 12—Principles of American Democracy (U.S. Government)  
Standards 12.2 and 12.3 (on economic rights and civil society)
- Grade 12—Principles of Economics  
Standards 12.1 to 12.4 (on economic concepts and reasoning, elements of the market system, role of the government, and labor market)

**3. 1934 West Coast Longshore Strike**

- Grade 11—U.S. History  
Standard 11.6 (on the Great Depression, New Deal and organized labor)
- Grade 12—Principles of American Democracy (U.S. Government)  
Standards 12.2 and 12.3 (on economic rights and civil society)
- Grade 12—Principles of Economics  
Standards 12.1 to 12.4 (on economic concepts and reasoning, elements of the market system, role of the government, and labor market)

#### **4. Case Study of a N.L.R.B. Union Representation Election**

- Grade 11—U.S. History  
Standard 11.6 (on the Great Depression, New Deal and organized labor)
- Grade 12—Principles of American Democracy (U.S. Government)  
Standards 12.2 and 12.3 (on economic rights and civil society)
- Grade 12—Principles of Economics  
Standards 12.1 to 12.5 (on economic concepts and reasoning, elements of the market system, role of the government, labor market, and economic indicators)

#### **5. Your Rights in the Workplace**

- Grade 11—U.S. History  
Standard 11.6 (on the New Deal and organized labor)  
Standard 11.8 (on Truman’s labor policy)  
Standard 11.10 (civil rights)  
Standard 11.11 (on women in the labor force)
- Grade 12—Principles of American Democracy (U.S. Government)  
Standards 12.2 and 12.3 (on constitutional rights, economic rights and civil society)
- Grade 12—Principles of Economics  
Standards 12.1 to 12.4 (on economic concepts and reasoning, elements of the market system, role of the government, and the labor market)

#### **6. Social Responsibility vs. The Bottom Line**

- Grade 10—World History  
Standard 10.3 (on the industrial revolution)  
Standard 10.10 (on contemporary regional development and international relationships)  
Standard 10.11 (on the world economy)
- Grade 11—U.S. History  
Standard 11.9 (on current U.S. foreign policy and trade agreements)
- Grade 12—Principles of American Democracy (U.S. Government)  
Standards 12.2 and 12.3 (on economic rights and civil society)
- Grade 12—Principles of Economics  
Standards 12.1 to 12.6 (on economic concepts and reasoning, elements of the market system, role of the government, labor market, economic indicators, and international trade)

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## METHOD: Role Plays: Show, Don't Tell

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Milwaukee, WI: Rethinking  
Schools, pp. 114-115

By Bill Bigelow

My lecture had put kids to sleep. As I looked out over the classroom, students' faces had that droopy, how-many-minutes-'til-the-bell-rings look. "But how can this be boring?" I silently protested. "We're talking about the Vietnam War." As students filed out of the classroom, I shook my head and pledged to find a way to ignite their interest. I was just a first-year teacher, but I knew there had to be a better approach.

Over the years, I've concluded that lectures have their place—but only when directly linked to activities that draw students into the intimacy of social dynamics. For me, the teaching strategy that most consistently enlightens and brings students to life is the role play. There are all kinds of role plays, but the best of these raise critical questions that require student initiative and creativity. At times students may roam the classroom, building alliances with other groups, or debating whether the U.S. government should recognize the independence of a united Vietnam at the end of World War II, or whether logging should be allowed in old-growth forests. A good role play invites students to enter the personas of contemporary or historical social groups to learn about issues in their characters' lives from the inside out.

I'm talking like the social studies teacher that I am, but role plays

are valuable in just about every class—science, math, English—and at just about every grade level. Any time there is a division of opinion on an important issue, a role play can help students to understand the source of conflict and to imagine possible resolutions.

I start with a controversial contemporary or historical problem: Should the Cherokee people be uprooted and moved west of the Mississippi River?

Should the United States government build the Dalles Dam on the Columbia River? In a role play on the election of 1860: Do you favor banning slavery from the western territories? Should there be a Palestinian state? Should nuclear weapons be banned? Who is to blame for the 1968 massacre at My Lai? In a music class: Should rock 'n' roll and rap be regulated by the government? In an English class, students might represent different community groups debating whether Standard English should be spoken at all times in school. In a science class, students might examine the ecological complexities of logging old-growth forests by role playing the interests of timber companies, loggers, and environmental activists, but also the salmon, owls, rivers, and trees themselves. Each group could propose answers to the question: Should logging be restricted?

### *Developing a Role Play*

Stage one is conceiving substantive questions like these. Stage two entails selecting groups that will give voice to a range of perspectives on a particular issue. For example, a role play on land reform in Central America divides students into five groups: tenant

farmers, the management of an instant coffee factory owned by a U.S. company, landless peasants, urban unemployed workers, and coffee planters. In the role play, each group has a somewhat different perspective on whether there should be land reform, how much land should be involved, and who should receive it. As in real life, strategic alliances between various groups are possible, and in the course of the role play students usually discover these and work together. The vitality of a role play depends on insuring that actual social conflicts come to life in the classroom.

In a mock U.S. Constitutional Convention, I include roles for groups that weren't represented at the real convention. So instead of only lawyers, financiers, and plantation owners in attendance, I also invite poor farmers, workers, and enslaved African Americans. Students debate questions from each group's standpoint: whether to abolish slavery and/or the slave trade, whether to allow debt relief to farmers by permitting payment "in kind," and how political leaders should be chosen. This more representative assembly allows students to experience some of the underlying conflicts that were suppressed in the actual Constitutional Convention.

But a role play wouldn't work, or at least wouldn't work as well, if I simply said to students, "You play a poor farmer; you play a plantation owner." They'd have nothing to go on beyond their own preconceptions, often stereotypical, of farmers and plantation owners. So I have to do some research in order to provide students with information on the circumstances in different social groups' lives—

circumstances that would contribute to shaping these groups' attitudes on a given issue. Students can do some of this work, of course, but my experience is that they need a base to work from. This is especially true because many of the groups I want to include in a role play have been written out of traditional history books. For example, it's not that easy to find information in a high school library on the problems of farmers after the American Revolution, or about the Unemployed Councils of the 1930s.

That said, involving students in researching different groups can sometimes make them more engaged in a role play. Earlier this year, in a somewhat different kind of role play, I told students that each of them would be representing members of the Cherokee Nation and that the U.S. government was proposing to move them off their land and relocate them hundreds of miles to the west. I provided a role sheet with some historical background, but before beginning the role play we spent time in the library researching the Cherokee in greater depth. In class, I played President Andrew Jackson at a gathering with the Cherokees. Although the meeting was imaginary, I read actual excerpts from Jackson's 1830 message to Congress on Indian Removal (*The Annals of America*, Encyclopedia Britannica, Vol. 5, pp. 418-421). After the speech, students pelted me with questions and criticisms based on their research. Following this exchange, their assignment was to write a critique of Jackson's speech.

### ***Role Plays and Learning***

In this and other role plays, amidst the deal-making, arguing, and oratory, students absorb a tremendous amount of information. But they absorb it in

a way that reveals underlying social conflict and solidarity, so they can make sense of that information. In large measure, the process itself is the product. To be effective, the results of a role play needn't repeat history. Indeed some of our best debriefing sessions concentrate on discussing why students made different choices than did the actual social groups they portrayed. Role plays allow students to see that history is not inevitable, that had people understood their interests more clearly, or had they overcome prejudices that kept them from making alliances, events might have turned out very differently. I want students to see themselves as social actors, to realize that what they do in the world matters -they are not simply objects to be thrown about by some remote process called History. When they succeed, role plays can help chip away at students' sense of pre-determination, their sense of powerlessness.

In a different version of the Cherokee Removal role play, I include plantation owners, Atlanta bankers, the Andrew Jackson Administration, and the Cherokee. In this, as in other role plays, the intent is never to suggest that all points of view are equally valid. Andrew Jackson and Southern plantation owners can't propose stripping the Cherokee and other Southeastern Indian nations of their homelands without resorting to racist arguments. The role play allows students to see that. It's essential that key interests in a particular issue be represented, not necessarily so students can hear "all points of view," but so they can dissect the relationship between people's social conditions and their ideas.

A final note: A role play aims at nurturing students' appreciation of why people in history and the

world today think and behave as they do. But I never want students to sympathize with individuals who behaved in hurtful or exploitative ways, that is, to have some emotional identification or agreement with these people. In my experience, kids are able to make the distinction. This is especially so when in follow-up discussion we critique positions espoused by various groups in a role play, including their own.

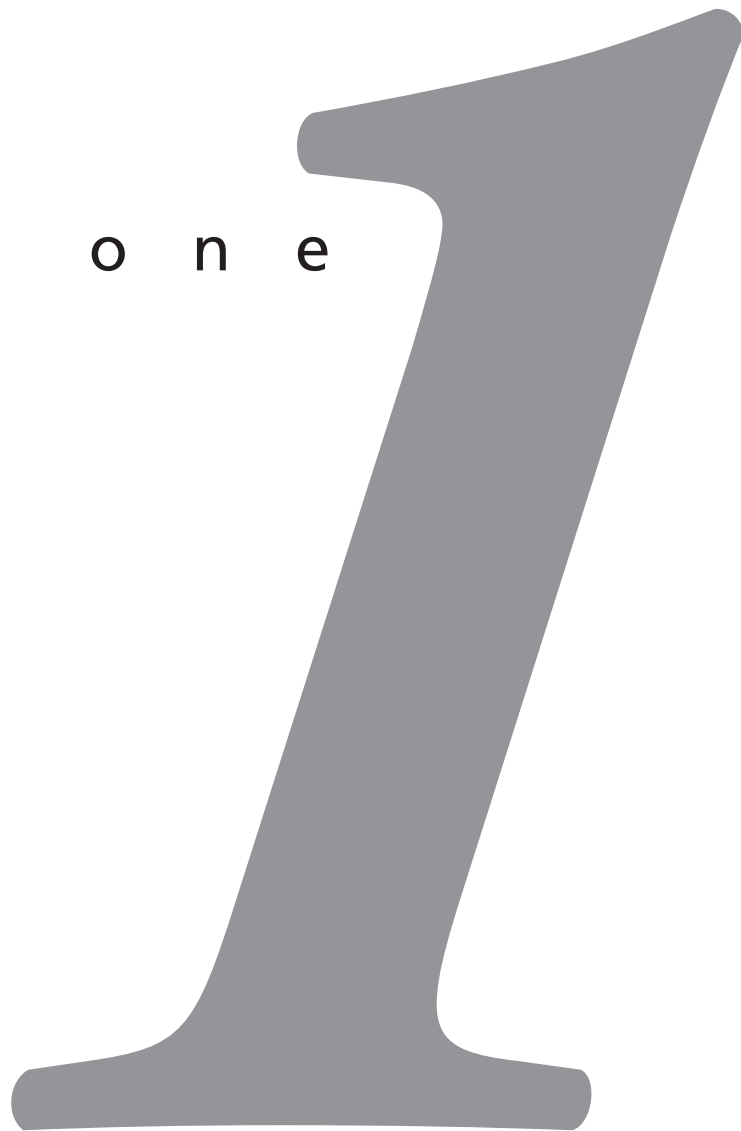
In his book, *A People's History of the United States*, Howard Zinn critiques traditional nationalistic approaches to history: "Nations are not communities and never have been. The history of any country, presented as the history of a family, conceals fierce conflicts of interest (sometimes exploding, most often repressed) between conquerors and conquered, masters and slaves, capitalists and workers, dominators and dominated in race and sex. And in such a world of conflict, a world of victims and executioners, it is the job of thinking people, as Albert Camus suggested, not to be on the side of the executioners." Role plays should bring that world of conflict to life in the classroom and allow students to explore the underlying premises of arguments and to choose: Which side am I on? □

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**[www.rethinkingschools.org](http://www.rethinkingschools.org)**

L e s s o n o n e



The Case of E-Z  
Auto Insurance  
Company, Inc.  
and Union Local 101





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## TEACHER'S INSTRUCTIONS: The Case of E-Z Auto Insurance Company, Inc. & Union Local 101

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### *Goals:*

- Through their participation in a realistic case study, students learn about the role of unions and management in the workplace, and the collective bargaining process as a problem solving strategy;
- Students practice conflict resolution (active listening, brainstorming, prioritizing issues, evaluating options, creating solutions, compromise) and higher level critical thinking skills (analysis, evaluation, judgment, synthesis);
- Students apply lessons learned from their experience in the simulation to their present or future working lives.

### *Time Frame:*

- 6 - 7 class periods, including a 3 hour time block needed for bargaining. (To shorten, simply delete one or two of the bargaining issues, and adjust the size of student teams and assignments accordingly.)

### *Resources Needed:*

- Volunteer coaches make this simulation realistic and relevant for the students. Labor relations professionals are recruited from the local labor, business, and government community to coach each student union or management team on the day of bargaining. Teams are ideally composed of 5 students each; therefore, for one class of 40 you would need 8 coaches. If you have to recruit coaches yourself, you will need plenty of lead time, about two months. Also, have your students write thank you notes to the coaches; it's the best reward they could receive and will guarantee their return for future sessions.
- To recruit coaches, contact your teacher's union, local AFL-CIO central labor council, Federal Mediation and Conciliation Service (an independent federal agency that mediates contract disputes), your local chapter of the Industrial Relations Research Association (a professional association for business, labor and government labor relations specialists), and labor centers at colleges and universities. Before bargaining, send all coaches a copy of the coach instructions and student readings included in this lesson. Contact the Collective Bargaining Education Project in Los Angeles, (213) 386-3144, for sample letters, assistance and information.
- You will also need to reserve a large space with tables and chairs, such as the library or cafeteria, for 3 hours, so paired teams can have enough room to meet together and bargain, as well as space for caucusing with their coaches, out of earshot from the other team.
- To get the 3 hour time block needed for bargaining, teachers arrange an internal field trip so students can be released from their other classes. You will also need to get class coverage for the periods you will miss on bargaining day.

### *Day 1- Introduction and Prep*

1. Explain to students that they will be participating in an in-depth learning experience over the course of about a week's time in this collective bargaining simulation. Pass out introductory **Student Reading #1-A: Collective Bargaining - The Basics** to students and read aloud with the class. At the end of the reading, review with students the goals that management and labor unions may have in common and goals that may conflict.

#### *Answer key to "Test Your Knowledge" questions from Reading #1:*

- a. False. Other factors include union contracts, as well as state and federal state laws, such as minimum wage.
- b. False. Only 2% - 3% of contract disputes go to a strike; most are resolved through negotiated settlements, known as collective bargaining agreements. However, the threat of a strike is often needed to reach compromise.
- c. True. 13.5 % of US workers in 2000 are union; (it was 40+% nationally after WW II). In LA, it's 19%, but in some nations in Europe, it's over 50% - producing stronger labor legislation.

2. Randomly divide students into an even number of groups (2, 4, 6 . . . ) with 5 students (no more than 7) per group. Next, distribute **Student Reading #1-B: The Case of E-Z Auto Insurance Company, Inc. and Union Local 101**. Read the first section, *Here's What You Need To Know*, together as a whole class. Have students identify and discuss the factors that can influence the outcome of negotiations, e.g. ,union strike vote, hostile takeover and possible consequences. Tell students that there are no right or wrong outcomes; results will vary depending on how each side *uses its power* to influence the outcome.
3. As an alternative to a whole class reading of the 5 issues (and to avoid too much teacher talk), try the following jigsaw activity. Assign each group a bargaining issue to review and report on to the rest of the class. (You can divide medical benefits into 2 parts - PPO and HMO). Groups should report on the expiring contract, and the differences between union and management's first round contract proposals. Highlight any important information that groups may have overlooked and review cost differences.
4. Distribute trip slips to students for the 3 hour bargaining session on Day 4.

### ***Day 2 - Prep***

1. Have one student from each team randomly choose a management or union role for their group. Label manila file folders, which can be folded and stapled into team signs - Union #1, Union #2, Management #1, Management #2, etc. - so that teams can identify themselves and their bargaining partners - Union #1 and Management #1, Union #2 and Management #2, etc.
2. Distribute assignment packets to students (6 assignments total). Using the proposals given in Student Reading #1, teams complete proposal summaries for their new union or management role in the left column of **Assignment #1: Collective Bargaining- Issues Prep**. Remind students not to change opening positions.
3. Before students begin the second part of the assignment (reasons), distribute **Student Reading #2: Role Assignment - Union or Management** to respective teams. Have teams read roles aloud with their team, highlighting important information. Caution teams not to reveal any of their insider information from Reading #2 to the opposing side at any time.
4. After teams finish reading their roles, have them use this new information to complete the *Supporting Reasons* section for the team's first proposals on the right side of Assignment #1. Reasons should be developed in a team discussion, not individually. Direct students to choose a team facilitator to move the discussion of each issue and make sure team members stay on task and on the same issue. Since this is a team assignment, do not assign it for homework; they can finish at the beginning of class on Day 3, if necessary. Coach students by circulating among the different groups (you need to read the **Role Assignments** ahead and the **Coach Instructions**), clarifying information, answering questions, sharing ideas, managing behavior, etc. Stay neutral.

### ***Day 3 - Prep***

1. Have students circle up with their teams, with management on one side of the room and union on the other. Teams complete Assignment #1 if necessary.
2. Have students turn to **Assignment #2: Preparing Opening Statements**. Read first paragraph together, then give teams a minute or two to decide who the spokespersons are for each issue.

Optional Expert Collaborative Activity. If you have time to do this part of the assignment, have ten signs ready for each of the expert groups, Union/ Wages, Management/Wages, etc.

3. Have students complete the rest of Assignment #2 individually. Each team member should have the assignment completed before the bargaining session tomorrow. If students are not done by the end of the class, have them finish their opening statements for homework.
4. If teams complete the assignment before the class ends, have them rehearse and polish their opening statements together. Remind students of where they will be meeting for tomorrow's class.

### ***Day 4 - Bargaining Day***

1. Arrange union teams on one side of the room with their signs and management teams on the other. Direct students to take out their materials (Reading #1, #2, and Assignment #2). Remind students that they will be using **Assignment #3 - Negotiations Chart** to take notes during the bargaining session.

2. Coach Introductions. Have coaches introduce themselves to the students, give their affiliation, and tell what team they will be coaching. (Pair coaches and teams before guests arrive).
3. Teams caucus privately to rehearse and strategize for Round 1 presentations. After 20-30 minutes, teams should be ready for face-to-face bargaining ( see **Coach Instructions: Bargaining Session - Sequence of Events** for details ). Coaches should be aware of time and can signal one another when their teams are ready to meet again. Bargaining continues through the entire time block.
4. One of the two coaches can welcome both teams and give students the ground rules for the session (see Coach Instructions: Bargaining Session - Sequence of Events).

### *Day 5 - Debriefing*

1. Debriefing Discussion. Students circle up with their teams and prepare for the discussion by briefly discussing, then working individually to complete the five questions in **Assignment #4: Debriefing Reflection Questions** (about 15 minutes). The questions are sequenced to move from specific to general, but **begin a whole class discussion with the most general question, #5: What did you learn from this simulation experience that is important for your future?** Otherwise, the big picture can get lost in the details. Since the debriefing discussion is intended to enlarge and scaffold ideas, students can add new ideas from the discussion to their answers on their papers.
2. In order to discuss questions 1- 4, call on each group of paired teams, Union #1 - Management #1, etc. to report their specific experiences in bargaining. Have one side or the other report:

Detail their tentative agreements on the 5 issues. Compare and contrast the different teams' tentative agreements.

- Ask management what union could have done to have gotten more out of them at the bargaining table—to get at the notion of power and how it's used or not used, and the consequences. Ask union the same question.
- Discuss why some teams did not reach agreement.
- Ask both teams which side they thought “won.” Then evaluate what “winning” means.
  - Could it be possible for *both* sides to win, if the tentative agreement was really good for both?
  - Or, if management “won,” let’s say, by squeezing workers’ wages so low that worker productivity declined, then can management truly claim victory?
  - Or what could the workers have gained if they went on strike?

3. As a culminating question for the whole class, ask students: Is there anything else you have studied or is going on now that this simulation experience reminds you of? Why?
4. You probably will need to use part of another class period for **Assignment #5: Debriefing Essay** or assign it for homework. Optional: **Assignment #6: Team Evaluation**, 30 min.
5. Distribute follow-up fact sheets about unions and labor laws included in the **Appendix** of this curriculum.

### *Tips for Working with High School Students*

Approach teens in a confident and friendly way. They are looking forward to your visit and are open to learning from you. You will enjoy them most if you act as more of a mentor/ friend, as opposed to a prescriptive parent. Treat them as the adults that they are in the process of becoming and you will have a great experience together. Here are a few additional guidelines:

#### *Listen*

- You talk less, they talk more. Help them better strategize and articulate their positions and arguments, but don't do their thinking or talking for them.

#### *Be Positive*

- Teenagers never get enough praise and support from adults. Make eye contact. Smile often. Call them by name. Always praise effort.
- Do not argue with students (even if they argue with you!).
- Teens are especially sensitive to issues involving their dignity and self-respect. It's never appropriate to put students down.
- Language is important. Don't refer to them as "kids."
- If a student behaves poorly, give him or her a chance to get back on the right track with you. In general, give positive reinforcement for pro-social behavior and avoid dwelling on any negative behavior.

#### *Avoid Stereotypes*

- While students may not read on grade-level, they are developmentally capable of high-level critical thinking, including such skills such as analysis, evaluation, and synthesis. At the same time, they are not experts, and one of your goals is to help them think through and organize information and ideas that could be useful to them in their working lives.
- Research shows that quiet students are often the brightest. Draw them into the team's discussions wherever possible, since they are usually well-informed and good problem solvers.
- Encourage girls to participate more. Boys typically dominate classroom discussions and girls often need to be given more encouragement in expressing themselves.
- Our schools often reflect great cultural and ethnic diversity, and it's important to remember that behavior is also culture-bound. Students who don't look at the teacher when s/he is speaking, may be showing cultural deference and respect, rather than negative behavior. Assume students are on their best behavior with you.

#### *If You Have Trouble With a Student*

- Evaluate the situation quickly and dispassionately. The problem might have an easy solution, such as moving two overly talkative students away from each other.
- If a student has acted or said something inappropriately, it might not require discipline from you, as much as clarifying behavioral standards, and moving on.
- If it is a difficult or serious problem, find the student's teacher to help you trouble-shoot and resolve the problem quickly so you can resume the simulation.
- Try not to get angry. Detach emotionally and focus on solving the problem.

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## COACH INSTRUCTIONS: Bargaining Session—Sequence of Events

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### *Step 1: Union and Management Caucus Separately*

- A. Team Introductions - Introduce yourself and describe what you do. (Bring your business cards, the students love them!) Have them introduce themselves and the issue he or she will be spokesperson for at the bargaining table.
- B. Rehearse with your team each of their opening statements on their respective issues (located in **Assignment #2**). Give feedback to help students strengthen their arguments, but do not change the opening Round 1 proposals given in **Student Reading #1-B**.
- C. Have students choose one member of the team to act as facilitator to introduce team members and their respective issues at the bargaining table.

### *Step 2: Negotiations Begin*

- A. When union and management teams are ready to present their first proposals, they signal each other to begin. Remind your teams to take notes on what the other side says, on their **Negotiations Chart (Assignment #3)**.
- B. One of the two coaches should open the session welcoming both sides to the bargaining table and states the following ground rules:
  - Coaches will refrain from talking to, coaching or advising their teams during the bargaining. (Save your advice for a caucus, and pre-arrange a signal for one.)
  - Each side presents its entire proposal on the 5 issues without interruption before the other side asks questions or makes comments.
  - Remind students that the goal of this session is to reach a tentative agreement that both sides can live with.
- C. Since the union is the moving party, initiating the negotiations process, the union team presents first. Next, management can question or comment, and then present its first proposal. Union may ask questions. After both sides present their opening positions, they break to caucus separately. (The only time both teams present without a caucus in between is in the first round opening positions. From this point on, each team will caucus privately before making a new proposal).
- D. Review **Student Reading #2: Role Assignment**, with your team in order to develop their counter-proposals and reasons for Round 2. Discuss team priorities, the source of the team's power to achieve their goals, and how to best convey all this to the other side.
- E. Union presents first in each of the succeeding rounds, followed by a management caucus to decide their counter in response to union's new proposals. While waiting for new proposals, each side should try to anticipate what the other's next move might be, and discuss fall-back positions.
- F. Continue developing counter-proposals and reasons for the rest of the rounds, until either a tentative agreement is reached or time runs out. Be sure to reach a conclusion—if not a tentative agreement, then mediation or strike action. (Remind students that union members must vote to approve any tentative agreement with management).

***Goals of the Session:***

- to teach students that unions give workers a voice in determining their wages and working conditions, in part by making a strong, convincing case to management for each of their proposals.
- to show that the union's power comes through its ability to take collective action. In this case, the members have taken a strong strike vote and are prepared to strike, if a tentative settlement is not reached by the end of negotiations.
- to help students establish the union's priorities in bargaining, which issues are most important to its members and issues on which they are willing to compromise.
- to assist students in developing fall-back positions for successive rounds that would be acceptable to the other side, while at the same time, making sure that union compromises as little as possible on its priorities.

***Tips for Each of the Five Issues on the Negotiations Table:***

***Wages***

- Although union does not have access to the company's actual budget, assume that the company does have enough money to satisfy workers' demands, since last year's profits were quite substantial.
- Inflation is running at 3-4% in large cities like LA and what management is proposing in Round 1 (3%, 3%, 3%) would not give workers any real pay raise at all.
- Analyst 1's earn \$10/hour, which is \$20,000 before taxes, hardly enough to support a household.
- Wages is the most important issue for the membership and this should be a major consideration in any compromises the union makes on this issue.

***Holiday***

- At a cost of \$30,000, this is the least expensive item on the table and could be traded off.

***Career Ladder***

- Since it appears that there is a "pattern" of discrimination in the promotion of women, the union should not back down on this issue. There is strong potential for an Equal Employment Opportunity Commission (EEOC) case here.
- If the case did go to court and discrimination was found, the company could be liable for the court costs for both sides, fined a penalty, and would have to pay back wages to any woman who could have been given a promotion, but didn't receive one.

***Medical Benefits***

- Your members like the flexibility associated with having two plans to choose from. Don't forfeit the PPO prematurely, since almost half of the members have chosen it.
- The company would love to move all of the workers into the HMO because they know they would save \$400,000 annually in the current benefits package (see the math calculations on the back of Student Reading #2).
- If the team decides to give up the PPO, make sure that union gets something big in return for this compromise.

***Child Care***

- Union may want to remind management that on-site child care is of mutual benefit to both sides.
- Research shows that workers with on-site child care, stay at their jobs significantly longer, are more focused and productive on the job, and absences and tardies are significantly reduced.

***Power***

- Be sure students understand that the source of their power to achieve the best outcome in negotiations is their collective labor (skills & knowledge) and ultimately their ability to withhold it from their employer.
- Urge them to think creatively about collective actions and statements they can make at the bargaining table to demonstrate their power and integrate these ideas into their supporting reasons for each issue.

*Goals of the Session:*

- To teach students the value of collective bargaining as a problem solving tool in the workplace and practice the skills of strategic planning, negotiation and compromise.
- To help students understand the mutual benefits to both sides when workers needs are satisfied through the collective bargaining process. For example, management benefits from a reduced turnover rate, increased worker productivity, etc.
- To help students redefine the concept of winning to include the idea that **both sides can win** in collective bargaining. Winning does not have to mean that one side should lose for the other to gain.
- To help management understand the importance of coming to a tentative agreement by the end of the day. Otherwise, the union has threatened to strike, and this could damage sales, customer relations, and profits. In addition, a strike could result in a drop in the share price of the company stock. If the company was bought out by a hostile competition, both management and workers may lose their jobs.
- To challenge the stereotype of management as only concerned with profits, at the expense of workers. Begin your discussion by asking students how they would like to be treated by management at their jobs.

*Tips for Each of the Five Issues on the Negotiations Table:*

*Wages*

- Be aware that there is enough money included in the budget to satisfy workers on all 5 issues (\$2 million total).
- Don't allow your management team to use the excuse that they don't have enough money. In real contract negotiations, if management makes this claim, then union has the right to demand that the company open its financial records to review. Otherwise, management is engaging in what is known as "bad faith bargaining" with the union.

*Holiday*

- While the union estimates the cost of this item to be \$30,000 in wages, management could point out that the real cost of the holiday is hidden in potential business which could be lost that day if the company is closed.
- Since this is the least expensive of union's money demands, this also means that this is potentially the most negotiable item.

*Career Ladder*

- Management needs to understand that it can only hire whomever it wants within the confines of the law. And gender discrimination fits one of the categories of the 1964 Civil Rights Act.
- While it appears that management might be violating the law in this case, it does not have to do anything unless the union makes a big deal out of it.
- Regardless of what happens, management is serious about its right to control hiring and promotions.

*Medical Benefits*

- Management knows that it could save between \$400 - \$500,000 annually if it could move all of the workers to the HMO plan. By doing this, management could afford to put more than it originally may have planned into another item, such as wages or an on-site child care center.

*Child Care*

- This is an issue that both union and management could claim as a mutual victory. On-site child care could benefit management just as much as it would workers, by reducing turnover, absences and tardies, while at the same time, increasing worker productivity and satisfaction.

*Power*

- Be sure students understand that the source of their power to achieve the best outcome in negotiations is their control (ownership) of the company's budget and capital resources. And that the workers' power comes from their collective labor, which the management/owner depends on.
- Urge them to think creatively about actions and statements they can make at the bargaining table to remind workers of their power and integrate these ideas into their supporting reasons for each issue.



## A Collective Bargaining Simulation for High School Students

Collective bargaining is any negotiation between a union of workers and their employer over wages, benefits, hiring and promotion policies, job security, and other working conditions. The goal of collective bargaining is to reach a written agreement or contract that lasts a year or more, and sets out the mutually agreed-to conditions of employment, (wages, hours, benefits, etc.), as well as ways to settle disputes that may arise during the life of the contract. In collective bargaining, the union membership is represented by its bargaining committee of workers who are usually elected, and the employer is represented by its management, (its supervisors or bosses). It is a method of solving problems in the workplace based on the power of each side to influence the outcome.

Collective bargaining was established as a civil right, for workers who are organized in unions, by the National Labor Relations Act which was passed by the U.S. Congress during the Great Depression in 1935. It is against the law for an employer to refuse to bargain collectively with the union that represents its workers, and a contract agreement is legally binding on both sides. [• Note: The law is enforced by the National Labor Relations Board, which conducts hearings on violations and supervises union representation elections at workplaces (when at least 30 percent of the workers petition for a union.)]

Collective bargaining is widely used in many U.S. manufacturing industries, such as steel and auto production, and in service and professional occupations, such as teaching and engineering. Although labor and management have common interests, such as economic growth and security for the industry or business, they often come to the bargaining table with different priorities:

### Management's Goals



**Maximize Profits**  
How? By keeping costs down.

**Attract Quality Employees. How? By offering competitive wages, benefits, and working conditions.**

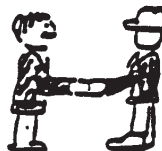
### Labor Union's Goals



Higher Wages



Benefits



Job Security



Better Conditions

How? By collective bargaining a contract agreement, taking a collective action such as a work slowdown or strike, or lobbying for favorable laws....



- 1. Labor union:** An organization formed by a particular group of workers to deal with the power of their employer by taking collective action for better working conditions. Collective actions include negotiating a contract, striking, picketing, boycotting, or lobbying for favorable laws.
- 2. Management:** Employees who “manage” or supervise the workers, and represent the owner or employer’s interests at the workplace.
- 3. Corporation:** A business that is owned by stockholders and run by a Board of Directors who are usually the major stockholders. Profits are divided among the stockholders according to how many shares of stock they own, and are called dividends.
- 4. Takeover:** When one business buys another business in order to eliminate competition and increase its own sales and profits in the market.
- 5. Benefits:** Compensation in addition to wages, such as paid vacations and holidays, medical insurance, bilingual bonuses, pensions, etc.
- 6. Seniority:** An employee’s status according to her or his years of employment. Employees with the greatest seniority are usually the last to be laid off and may be given preference for shift changes, promotions, etc.
- 7. Floating holiday:** A paid day off that can be taken at any time with advance permission from the manager.
- 8. Power:** The ability to change or influence a decision or the outcome of a situation.
- 9. Strike:** A collective power action by employees who refuse to work or report to work, for the purpose of influencing a change in the working conditions.
- 10. Lockout:** The shutting down of a workplace by an owner or employer in order to withhold work and wages from a group of employees.
- 11. Mediation:** An attempt by an impartial third party or person, called a mediator, to bring the two sides in a labor dispute together. According to the 1947 Taft-Hartley Act, labor or management must notify the Federal Mediation and Conciliation Service that a “dispute exists”, 30 days prior to either side taking economic action (such as a strike or lockout). The FMCS will provide a mediator to assist both sides in resolving the problem; the mediator has no power to force a settlement, but rather operates primarily through persuasion.
- 12. Caucus:** A meeting by a small group with a common interest.

## Test Your Knowledge

### *True or False? Why?*

1. Wages in the U.S. are determined solely by supply and demand of workers.
2. Unions settle wage disputes with employers primarily by striking.
3. In 2000, 13.5 % of the U.S. workforce was unionized, public and private sectors combined.

*Here's What You Need to Know*

The E-Z Auto Insurance Company, Inc. and Union Local 101 have been negotiating their second contract over the last four months. The current contract expires at the end of the day. The union has taken a strike vote and is prepared to strike if an agreement is not reached by the time the current contract expires.

At the same time, the company has been informed that a hostile (unwanted) takeover bid has been made on the company's stock by one of its competitors in the car insurance business. So far, E-Z's principal stockholders (the founding partners) are refusing to sell their stock. However, a strike in this situation might endanger the company's ability to successfully fight the takeover by causing a drop in the stock price. E-Z Auto Insurance Company has been very successful in the region's car insurance market, and would like to remain locally owned and controlled.

As required by federal law, the 1947 Taft-Hartley Act, the Federal Mediation and Conciliation Service has been notified that a "dispute exists," in case their assistance is needed. While some progress has been made at the negotiating table, five issues remain open: wages, an additional holiday, the career ladder, medical benefits, and child care.

<i>Current Status of Contract Negotiations: Round 1 Starting Positions</i>			
<b>Issue</b>	<b>Current contract expiring at E-Z Auto</b>	<b>Union's 1st proposal</b>	<b>Management's 1st counter-proposal</b>
<b>Wages</b>	<ul style="list-style-type: none"> <li>290 workers under union contract. 3 analyst positions and salaries as follows: (150) Analyst 1 - \$10/ hr. (100) Analyst 2 - \$13/ hr. (40) Analyst 3 - \$16/ hr.</li> </ul> <p><b>Responsibilities:</b>  <b>Analyst 1</b> -completes initial intake interview with potential customers; inputs information into computer system.  <b>Analyst 2</b> -uses information from Analyst 1's to give potential customer competitive price on auto insurance.  <b>Analyst 3</b> -handles customer accident and injury claims; pays out claims.</p>	<ul style="list-style-type: none"> <li>2 year contract proposed: 10% raise in the 1st year; 6% in the 2nd year. (cost formula: 1% = \$100,000)</li> </ul> <p>Total Cost= _____</p>	<ul style="list-style-type: none"> <li>3 year contract proposed: 3% in the first year; 3% in the second year; 3% in the third year.</li> </ul> <p>Total Cost= _____</p>
<b>Holidays</b>	<ul style="list-style-type: none"> <li>10 paid holidays per year</li> </ul>	<ul style="list-style-type: none"> <li>Additional holiday requested for Martin Luther King's birthday, January 15. (cost: \$30,000)</li> </ul>	<ul style="list-style-type: none"> <li>No additional holiday. (cost: \$0)</li> </ul>

<i>Current Status of Contract Negotiations: Round 1 Starting Positions (Continued)</i>			
<b>Issue</b>	<b>Current contract expiring at E-Z Auto</b>	<b>Union's 1st proposal</b>	<b>Management's 1st counter-proposal</b>
<b>Career Ladder</b>	<ul style="list-style-type: none"> <li>Management has the exclusive right to promote Analyst 1 to Analyst 2; and Analyst 2 to Analyst 3—or management has the right to hire from outside as it sees fit.</li> </ul> <p>(Refer to Wages issue for complete description of Analyst jobs.)</p>	<ul style="list-style-type: none"> <li>Company posts notice of vacancies in Analyst 2 and Analyst 3 openings on bulletin board.</li> <li>Analyst 1 with 1 yr. seniority (experience) can bid for, and be promoted to, Analyst 2 job.</li> <li>Analyst 2 with 1 yr. seniority can bid for, and be promoted to, Analyst 3 job.</li> <li>No outside hires for Analyst 2 or 3.</li> </ul>	<ul style="list-style-type: none"> <li>Company will post notice of openings on company bulletin board.</li> <li>Analyst 1 with 2 years seniority (experience) can bid for Analyst 2 job.</li> <li>Analyst 2 with 2 years can bid for Analyst 3 job.</li> <li>Retains right to hire and promote from inside or outside company.</li> </ul>
<b>Medical Benefits</b>	<ul style="list-style-type: none"> <li>Offers employees a choice of 2 plans: PPO and HMO</li> <li>PPO—(Preferred Provider Option) = choose your own private doctor, specialists, pharmacy. Employee pays first \$250 per family member, (called "deductibles"), and 20% of all medical bills thereafter.</li> <li>HMO—(Health Maintenance Organization) = all medical services provided under one roof, and insurance pays 100% of your bills. Employees pay monthly co-payment of \$50.</li> <li>Company pays much higher monthly premium (price) for each employee enrolled in PPO plan.</li> </ul>	<ul style="list-style-type: none"> <li>Maintain choice of 2 plans: PPO and HMO.</li> <li>Improve benefits to 100% of all employee's medical bills, by eliminating employee's "co-payments"—no 20% payment of bills for PPO (after deductibles), no \$50 per month co-payment for HMO. (annual cost: \$250,000)</li> </ul>	<ul style="list-style-type: none"> <li>Maintain choice of 2 plans: PPO and HMO.</li> <li>Employees must share in escalating costs of health insurance by increasing PPO deductible an additional \$100 per year and HMO co-payment an additional \$10 per month. (annual cost to each employee = \$100 for each dependent in PPO; or \$120 total for HMO)</li> </ul>
<b>Child Care</b>	<ul style="list-style-type: none"> <li>At the present time, the company does not provide any child care services for its employees who have children.</li> </ul>	<ul style="list-style-type: none"> <li>Provide an on-site child care center for employees with small children during work hours. (cost: \$50,000)</li> </ul>	<ul style="list-style-type: none"> <li>The company will print and distribute addresses and phone numbers of private child care centers near the work site. (cost: \$5,000)</li> </ul>
<p>Negotiations will begin with Round 1 and the union presenting its reasons and examples to support the above proposal #1, followed by management's rationale for its counter-proposal #1. Both sides will then break to caucus before Round #2 begins. You will note that in the exchange described above, management made a move on the career ladder and the company's offer to print a child care services directory is also new.</p>			

(for your eyes only)

Your goal is to negotiate the best wage and benefits package you can on behalf of the company owners. Business has been quite good in your city and profits are high, the Board of Directors recently raised dividends to stockholders. The president of the company has authorized you to spend as much as **\$2 million in new wage and benefit agreements**, so therefore, you could afford to pay more than what you offered in wages in your first proposal (3%, 3%, 3%) to your union workers. But you are hoping that won't be necessary; after all, many companies have taken a tough stand with their unions in the past and gotten away with it. On the other hand, there were some big strikes last year that were very damaging to business.

You have been advised that the owners are anxious to settle this contract *without* a strike. At noon, the president of the company was informed of a hostile takeover bid on the company's stock. The president and other major stockholders do not want to give up ownership of the company and are refusing to sell their stock, to fight the takeover. A strike would cause an immediate loss of business, and the company's stock prices could drop, putting the company in an extremely vulnerable position in the market. And if the company were taken over, you can expect both workers and managers to suffer some serious layoffs.

**Wages:** As management, you are responsible to keep costs within the company budget. Wages are your biggest cost, and *if* you were to spend too much on your worker's wages, you *might* have to raise the price of insurance, which *could* mean a loss of customers, resulting in a *possible layoff* of workers. Of course, you want to attract and retain the best workers, but you want to stay within the company's budget, as well. You also may remind the union that the 3% raise you have offered does meet the "cost of living" (rate of inflation). Although you cannot claim the business is losing money, you could focus on the company's expenses (other than labor costs) and the dangers posed by a hostile takeover of the corporation.

**Holiday:** You could eventually agree to an additional holiday (it only costs \$30,000 in wages) but you do not want to shut down the entire operation. It's losing that day's business that is the hidden cost of the Martin Luther King holiday, the way you see it. You must remain competitive, just like all of the other auto insurance companies who are open on that day. On the other hand, a holiday is less important and much less expensive than other issues, such as wages or medical benefits. You could live with a *floating* holiday and might be able to use the holiday as a trade-off, a bargaining chip, in order to get union to compromise on an issue that is a higher priority to your management team.

**Career Ladder:** You are very concerned about this issue! Company lawyers have explained that E-Z Auto is potentially legally liable for failing to promote qualified women into Analyst 2 and Analyst 3 positions; (it's called sex discrimination). Analyst 2 and 3 positions have traditionally been filled by qualified applicants from outside the company, the majority of whom have been men. While you want to be sensitive to the problem and don't want to violate any laws, you are also adamant in maintaining your right to judge a worker's qualifications and control hiring and promotions. In your opinion, the union is essentially asking that seniority (experience) become an automatic qualification for a promotion, and you are uncomfortable with this as the only determinant. You are looking for a way out on this one.

**Medical Benefits:** The rising cost of your employee's health care insurance plans is a major concern of yours. You were just informed that the company is probably going to be charged more by the medical insurance companies for the two plans you currently provide for your workers. What can you do? Many companies don't even provide a *choice* of plans - you feel the workers at E-Z Auto have a great health benefits package and it's only fair they contribute to the increasing costs, if they want to maintain *both* plans.

In regard to the union's first proposal on medical benefits, you think they are asking for too much. You estimate that the cost of union's proposal for 100 percent coverage, along with rate increases, could add over \$250,000 to what the company already spends for employee medical insurance. That's a large portion of your budget for this contract (\$2 million) to spend on one issue!

You would probably be willing to lower or eliminate the employees' co-payments altogether for health

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## STUDENT READING #2: Role Assignment—*Management Bargaining Team*

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care insurance if you could get rid of the expensive PPO plan (it costs the company \$550 per employee a month) and get all 290 of the workers to join the HMO plan (which costs \$300 per month per worker). By switching all of your workers over to the HMO, how much money would the company save? (See box on cost comparisons). Although you are not going to propose this change in the first round, you may want to propose it later on in a second or third round “fall back” proposal to the union.

### *Cost comparisons of Health Care Insurance Plans PPO and HMO— (totals rounded off)*

#### *Current yearly cost of each plan:*

130 workers (45%) in the **PPO plan**

130 workers x \$550/month x 12 months = **\$900,000**

+

160 Workers (55%) In the **HMO Plan**

160 workers x \$300/month x 12 months = **\$500,000**

(less \$50/month paid by workers)

**equals Current total = \$1,400,000**

#### *Union Proposal # 1, 100% coverage paid for by the Company:*

130 workers (45%) in the **PPO plan**

130 workers x \$650/month x 12 months = **\$1,000,000 + a rate increase**

+

160 workers (55%) in the **HMO plan**

160 workers x \$300/month x 12 months = **\$600,000 + a rate increase**

**New total = > \$1,600,000**

#### *If all 290 workers joined the lower cost HMO (no PPO plan):*

**with \$50 per month co-payment**

290 workers x \$250/month x 12 months

**New total = \$900,000**

**or**

**without** co-payment (100% coverage paid for by company)

290 workers x \$300/month x 12 months

**New total = \$1,000,000**

**Child Care:** The union is requesting a child care center at the work site. While this is not a common practice for American business or government, many other industrialized nations do have a national system of child care for all children of working parents. But this is not Europe, and management takes a traditional position on this issue: child care is the personal responsibility of the family, not the employer. Furthermore, you estimate that the cost to build, staff, and equip a child care center will range somewhere between \$100,000 and \$250,000 (you think union is only estimating the cost of minor renovations of existing space in the building at only \$50,000). Plus, wouldn't having the children of your workers so close to the workplace become a distraction and possibly lower worker productivity?

You understand that many of your workers are also parents and to better assist them (and improve attendance), the company proposes to distribute addresses and phone numbers of *reputable* child care centers nearby. You *might* be open to a joint union-management committee to study the feasibility of on-site child care as a *fall-back* proposal, but you are concerned that your workers who don't have children might be upset that they are not receiving a comparable benefit.

(for your eyes only)

Your goal is to negotiate the best wage and benefits package you can for the 290 union members of Local 101, who elected you to represent them at the bargaining table with E-Z Auto Insurance Company, Inc. The members know that the company has been earning high profits for the last several years and is paying its stockholders high dividends. After all, isn't the company's financial success the reason that some other company is attempting a takeover of E-Z? The union feels that it is time for the company to share more of the profits with the workers, since it's our hard work that creates the profits in the first place. It's only fair.

Your brothers and sisters (this is how union members often refer to one another) believe they can get a strong contract and are prepared to strike, *if* negotiations fail. The union just voted an overwhelming 252 to 27 to authorize a strike, but doesn't think it will be necessary. They are hoping that the *threat* of a strike will send a clear message to management about just how serious they are. Ever since the big strikes in the city last year – janitors and bus drivers - it seems that business may be more inclined to try and satisfy workers at the *bargaining table*, instead of facing a strike shutdown of E-Z Auto Insurance Company. Consider how to use the threat of a strike to your best advantage in bargaining. You think it's about time unions get some respect in this town, with its long history of anti-unionism.

In addition, Local 101 is also proud of the fact that you were the *first* group of auto insurance workers nationwide to organize a union three years ago. You would like to see this contract become a model for the industry, and use it to tell other auto insurance workers that the best way to better your wages and improve your working conditions is to organize a union.

**Wages:** Wages are your members' number #1 priority. Three quarters of the Analyst 1's are women, and many are the sole supports of their families, who are having a difficult time making ends meet. With an hourly wage of \$10.00, Analyst 1's earn \$20,000 a year before taxes (about \$17,000 net), which comes out to \$1,400 a month. Just how well can a person support a household on these poverty-level wages? What makes it even worse, the last contract didn't even keep up with the cost of living (inflation), which is now about 3-4% a year in the city. It also means that the management's first offer of 3% gives workers no real raise in pay at all. Let's face it, the membership has good reasons to be demanding a *righteous* raise in this contract! We know the company can afford it, and we deserve it because we do the work!

**Holiday:** Your members have said in the bargaining survey that they want an additional paid holiday. All public sector (government) workers, public schools, and many workers in the private sector (business and industry) currently receive Martin Luther King, Jr.'s birthday as a paid holiday. A large number of your workers and customers are people of color and MLK represents important American values, such as equality and tolerance. How could the company be opposed to that? And why not 11 days off a year, is that too much to ask? Plus, it's the cheapest of all the money items, at a cost of only \$30,000 in wages.

**Career Ladder:** This issue of promotions is extremely important to Analyst 1 workers, who have been consistently passed over for promotions into the Analyst 2 and 3 positions, when management hires men from *outside the company* for these jobs. Since most of the Analyst 1's are women and most of the Analyst 2's and 3's are men, your attorneys have advised you that a *pattern* of sex discrimination is evident in E-Z Auto's promotions policy. Since 1964, sex discrimination (as well as discrimination based on race, ethnicity, nationality, religion, or age ) has been against the law, under Title 7 of the Civil Rights Act. So *if* the union were to file a class-action lawsuit against the company and win, then the company would be *liable* to pay a penalty and *back wages* for all of the women who would have qualified for a promotion, but didn't receive it because of the company's actions. The union's lawyers believe the women have a solid legal basis here, and union intends to push hard on this issue.

**Medical Benefits:** This is also a high priority issue for your members, because many are relatively young and a large number of them have children requiring frequent doctor visits. The company presently offers a choice of two plans: the PPO (Preferred Provider Option) and an HMO (Health Maintenance Organization). More than half of them like the HMO plan, because all medical bills are covered, all services are under one roof, and the cost is much more reasonable than the PPO for families with children. However, the members complain that the \$50 monthly co-payment is a financial hardship considering the wages they earn.

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## STUDENT READING #2: Role Assignment—*Union Bargaining Team*

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Page 2 of 2

Less than half of the workers are enrolled in the PPO plan, since it's more expensive, and with the higher deductible that management is proposing, fewer workers will be able to afford the PPO plan. You are afraid that management's hidden agenda may be to get rid of the PPO altogether, since the company pays a much higher monthly premium for it (\$550 a month) than for the HMO (\$300 monthly). Your members *value* having a choice of two plans and don't want you to compromise anything they have already gained, so forfeiting the PPO would be a serious *give back* to the company. If all the workers move over to the HMO, how much money would the company save? (Check out box.) The only way your workers would accept a give back in benefits, would be if you were to get the *company to give you something else of equivalent value*. And you would only come up with a *fall back* proposal like this in a later round. If you make concessions too early, management might think you're weak.

### *Cost comparisons of Health Care Insurance Plans PPO and HMO— (totals rounded off)*

#### *Current yearly cost of each plan:*

130 workers (45%) in the **PPO plan**

130 workers x \$550/month x 12 months = **\$900,000**

+

160 Workers (55%) In the **HMO Plan**

160 workers x \$300/month x 12 months = **\$500,000**

(less \$50/month paid by workers)

**equals Current total = \$1,400,000**

#### *Union Proposal # 1, 100% coverage paid for by the Company: (at current rates)*

130 workers (45%) in the **PPO plan**

130 workers x \$650/month x 12 months = **\$1,000,000**

+

160 workers (55%) in the **HMO plan**

160 workers x \$300/month x 12 months = **\$600,000**

**New total = \$1,600,000**

#### *If all 290 workers joined the lower cost HMO, only (no PPO plan):*

with \$50 per month **co-payment**

290 workers x \$250/month x 12 months

**New total = \$900,000**

**without** co-payment (100% coverage paid for by company)

290 workers x \$300/month x 12 months

**New total = \$1,000,000**

**Child Care:** Almost two thirds of your members are women with children and many of the male union members are also parents. They feel strongly that the company should provide an on-site child care center. The high cost and lack of *available, quality* child care make life extremely difficult for workers and negatively affects their attendance, tardiness, and work performance. And don't think this problem isn't costly for management, too. You estimate that the cost of the facility to be less than \$50,000, if the company renovates existing vacant office space, and if the employees who enroll their children pay a fee to cover the teachers' salaries and supplies needed. It would certainly be much less expensive than paying for private child care because it would *not* be run for profit. In any case, you realize that it may take time for the company to move in this direction, so you may be willing to set up a joint labor-management committee to explore options on this issue as a fall-back, if management makes a meaningful commitment to the concept.

Lastly, remember that your union members must approve of any tentative agreement you reach with management on these issues.

**ASSIGNMENT #1: Team Preparation for Bargaining**

**T**he following group of assignments will prepare you and your team to bargain a *tentative agreement* on the five unresolved issues still on the negotiating table. Your completed assignment packet is due at the end of the simulation and combines both individual and group work. Because *every* student in the class has a part to play in this simulation, regular attendance is critical to team success and to your individual grade. Your teacher will tell you how many points the packet is worth and you will be evaluated both on written content, as well as class participation.

**On bargaining day, union and management teams will meet in a face-to-face negotiation session** for three hours. Your teacher will tell you where the class meets that day. The **goal** for each side is the same - **to win the best contract possible** for your team, but one that is acceptable to both sides. The session will occur in several *rounds*, with union and management presenting and defending proposals and counter-proposals to one another, until both sides reach a tentative agreement on all the issues. Union 1 will bargain with Management 1, etc.

**For the first round only, you cannot change any of the proposals that have been given in Reading #1.** Beginning in Round 2, each team may craft new proposals and counter-proposals, or *fall-back* positions, which you will develop with your coach on bargaining day. Coaches have been invited from the business, labor, and government communities to assist each team. Both sides break to caucus (meet privately) with their coaches to strategize and prepare for Round 2. After Round 1, Union makes its next proposal, teams caucus, management responds with its Round 2 counter-proposal, teams caucus, and so on. The rounds continue like this, either until a tentative agreement is reached or time runs out.

**Assignment Instructions—You will do this assignment in 2 parts.**

**Part 1:** In the left column, briefly restate or summarize in writing the significant details for your team’s Round 1 proposal (in **Reading #1-B: Current Status of Negotiations**). Do not change any of these proposals.

**Part 2:** Before you tackle *supporting reasons* in the right-hand column, first read aloud **Reading #2: Role Assignment** with your team for insider information on your union or management role. After this, choose one member of your group to lead a team discussion of the best reasons you can think of that support each of your proposals. Do not change any of these proposals now. Do one issue at a time and make sure you have *at least 2-3 extended* reasons for each of the five issues (see next page).

<i>Issue</i>	<i>1st Round Proposal Summary</i>	<i>Supporting Reasons</i>
<b>Wages</b>		
<b>Holiday</b>		



<i>Issue</i>	<i>1st Round Proposal Summary</i>	<i>Supporting Reasons</i>
<b>Career Ladder</b>		
<b>Medical Benefits</b>		
<b>Child Care</b>		
	<p><b>Power</b>—Consider the source of your power to influence the outcome of negotiations. Where does it come from? Explain.</p>	<p>What actions can you take and what statements can you make to demonstrate your power to the other side at the bargaining table. List below, and go back to your supporting reasons on each issue above—to integrate these ideas into them!</p>

## ASSIGNMENT #2: Preparing Opening Statements for Round One

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Once you and your team have completed Assignment #1, divide your labor into 5 parts, with each person on the team responsible to be **spokesperson** for one of the 5 issues at tomorrow’s session. Each issue must be covered ( if the team is fewer than 5, someone can cover two issues, or if there are more than 5, two of you can split one of the larger issues, such as medical benefits.)

- **Optional Expert Collaborative Activity** — If time permits, do a short breakout session, reconfiguring the groups as follows: the Union breaks into small separate issue groups on one side of the room - Union/Wages, Union/Holiday, etc. and Management issue groups - Management/Career Ladder, Management/Child Care, etc., meet on the other side. 10 groups total. Experts share reasons from Assignment #1 and collaborate to improve them. Add new useful information to your Assignment #1 notes and to your Assignment #2 opening statement.

### *Instructions:*

Write your presentation as you will be speaking it tomorrow.

1. State your proposal. Start off with something like, “On the holiday issue, Union is proposing...,” or “Management’s proposal on wages is...” Give specifics. Use Assignment # 1 or Reading #1 for details.

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2. Continue by giving 2 or 3 best reasons which support your proposal, for example , “We feel this is an excellent proposal because..., ” or “Our members believe that this is an issue of mutual benefit to both sides because...”

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3. Your other task as spokesperson occurs during the negotiations. In addition to being responsible for your issue, you will be responsible to listen to, and challenge, the opposition’s arguments on the same issue. Look at their proposal now (see Reading #1) and write down some possible questions to ask at tomorrow’s session.

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During the session, take notes on what your issue counterpart says (see Assignment #3). When it’s your team’s turn - you can ask questions about things you don’t understand, explanations that don’t make sense, facts or opinions you can challenge, etc.

# ASSIGNMENT #3: Negotiations Chart

Name \_\_\_\_\_ Team \_\_\_\_\_ Date \_\_\_\_\_ Coach \_\_\_\_\_

	Union Proposal 1	Company Proposal 1	Union Proposal 2	Company Proposal 2	Union Proposal 3	Company Proposal 3	Tentative Agreement
<b>Wages</b> 1% = <b>\$100,000</b>							
<b>Holiday</b>							
<b>Career Ladder</b>							
<b>Medical Benefits</b>							
<b>Child Care</b>							

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## ASSIGNMENT #4: Debriefing Questions for Analysis and Reflection

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It's now time to step out of the union or management role you represented in negotiations and think about what you learned from the collective bargaining simulation. Use the bottom half of this page and the other side of the paper to complete your answers. After you finish, you will use them as the basis for a whole class debriefing discussion with your teacher.

1. List the tentative agreements made by your team on each of the issues. (If you did not settle on all of the issues, or negotiations broke down, explain what happened.)

WAGES:

HOLIDAY:

CAREER LADDER:

MEDICAL BENEFITS:

CHILD CARE:

2. Which side came out better in your opinion - union or management? Why? Is it possible for both sides to win in negotiations? Why or why not? What did you learn about power ?

3. How did your coach help you in the bargaining?

4. What might your team have done differently to achieve more of your goals? How could the other side have been more effective?

5. Explain some of the important ideas you learned from the simulation. How will you use this new information in your present or future working life?

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## ASSIGNMENT #5: Debriefing Essay

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**E**nlarge and extend the discussion of the ideas you presented in the previous assignment and from your class debriefing discussion to complete this essay. Include the following information and ideas in your essay on a separate sheet of paper (you can use the space on this handout to brainstorm ideas):

### *Paragraph 1*

Tell what union or management team you were on, the issue you were spokesperson for, and the name of your coach. Discuss whether you think collective bargaining is an effective method of solving workplace problems? Why or why not?

### *Paragraph 2*

From your management or union team's perspective, was this a "good" contract for union members? For the company? Both sides? Neither side? Explain. What could your team have pushed harder on, or have done differently, to have achieved more of your goals? What could the other side have done to have gotten more concessions from your team?

### *Paragraph 3*

Some people define power as *the ability to influence an outcome*. Using this definition, which side had more power at the negotiating table? Who used their power more effectively? Give examples. From what you have learned in this simulation, what is the real power of a union based on? What gives management its power? How level is the playing field between both sides? What have you learned about power relationships between workers and management?

### *Paragraph 4*

In general, what were the most important lessons you learned about collective bargaining this week? Be specific. Describe how you might use what you learned either now or in your future work life.

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## ASSIGNMENT #6: Team Evaluation

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**Student Instructions:** The purpose of this assignment is to give you a grade for the work you did and the effort you made that contributed to your team's success at the bargaining table. You, as well as the members of your team, will have the opportunity to give input for this assignment.

You complete the first section titled "Self Evaluation" only. Be sure to give specific actions you took to help your team such as, "I completed the following assignments...", "negotiated a compromise solution with the other side on \_\_\_\_\_ issue, which affected the outcome of the tentative agreement by...", "I represented my group by acting as spokesperson on \_\_\_\_\_ issue, and contributed to the team's success on this issue because I...", etc. If you need more room to write, feel free to use the other side of this page.

After you complete the first section, the other members of your team will complete the bottom section, outside of your presence. Here's how it works: with direction from your teacher, one member of the group from every team will leave the room, while the rest of the team reads what that person has written. They then discuss it and collectively complete the team evaluation. This process takes about 5 minutes per person, and continues until all members of each team have had a turn out of the room. Your teacher will make the final grade decision.

### *Self Evaluation:*

I believe that I earned the following grade for the contributions I made to my team in the simulation. (Give actions, examples, and consequences, where applicable, which support your grade. See paragraph 2 above for assistance.)

Grade \_\_\_\_\_

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

### *Team Evaluation:*

We believe that \_\_\_\_\_ earned the following grade for the contributions s/he made to our team in the simulation. (Give actions, examples, and consequences, where applicable, which support this grade. See paragraph 2 above for assistance.)

Grade \_\_\_\_\_

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

L e s s o n t w o



The Homestead  
Strike of 1892





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## TEACHER'S INSTRUCTIONS: The Homestead Strike of 1892 Role Play

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Revised and adapted from *The Power In Our Hands: A Curriculum on the History of Workers and Work in the United States* by Bill Bigelow and Norm Diamond, (Monthly Review Press) and is available from Teaching for Change, [www.teachingforchange.org](http://www.teachingforchange.org); 800-763-9131.

### *Goals:*

- to explore the relationship between labor and capital and workers' responses to industrial reorganization in the late nineteenth century, a time when major industrialists designed new technology to tighten their control over the work process and workers.
- to examine the historic conflicts between skilled native-born, union workers and unskilled non-union, immigrant workers and the difficulties and limitations associated with craft unionism.
- to apply historical knowledge of the Homestead case to an understanding of the contemporary American workplace.

### *Time Required: 4 - 5 class periods.*

#### *Day1*

1. Introduction. **Distribute Student Reading #8-A: The Homestead Strike.** *Tell students that they will be participating in a simulation of one of the most important strikes of the nineteenth century that would have a major impact on workers, unions, and American industry for the next 50 years. The strike was led by the largest and strongest union in the US at that time, against the steel mill's owner and richest man in the world, Andrew Carnegie. Read aloud with the class.*
2. Randomly divide students into 5-6 groups and have them complete **Assignment #1: Follow Up Questions.** Review answers and clarify misinformation, for example, sometimes students are not clear that the union is already on strike, the factory is closed, and no workers, including the unskilled, are working there at all.

#### *Day2*

1. Assign roles of skilled (1 group) or unskilled workers (4-5 groups) to students. This is roughly proportional to the numbers of skilled (20%) and unskilled (80%) workers at Homestead. Distribute **Student Handout #8-B: Skilled Worker or #8-C: Unskilled Worker** respectively. Have signs to identify each group which can be made from file folders. Each of the unskilled groups can be identified as a "department" (Department #1, Department #2, etc.) at Homestead and the skilled workers represent the Amalgamated Association of Iron and Steel Workers Union. Instruct students to read their roles aloud with their groups, highlighting important information as they read.
2. Read instructions for the interior monologue, labeled **Assignment #2** (on the role assignment handout), together with the whole class. Since most of the class is unskilled, read these instructions aloud. Allow about 15-20 minutes to complete.
3. After students have written their interior monologues (at least the first two paragraphs), have each team member read his or her monologue to their group. Instruct students to choose one to represent their group to the rest of the workers at Homestead. Conduct group introductions.
4. After class, pull aside an articulate student from one of the unskilled groups, and ask him or her to play the role of the company spy, without revealing their role to anyone in the class. Show **Company Spy** student handout to this student.

#### *Day3*

1. To prepare for the mass meeting, have students complete **Assignment #3** on **Student Handout #8-B or #8-C** with their teams. During these 20-25 minutes, you will spend most of your time coaching the skilled workers who will be making a presentation to the unskilled workers at the meeting. See **Teacher's Coaching Notes: Skilled Union Workers.** Be sure that the skilled workers have a plan of action to present to the unskilled workers and that each one of the skilled workers makes some part of the presentation.

Encourage them to also develop some responses to the questions and comments they are anticipating from the unskilled workers.

2. Mass meeting. Have the groups open up their chairs to face the skilled workers. *Welcome the unskilled workers to the meeting and tell them that you are a retired union worker, who has been asked to act as moderator. Remind them that they are at the meeting for a very important reason: to decide whether they, the unskilled workers, will join the skilled workers of the Amalgamated Association of Iron and Steel Workers (A.A.I.S.W.) on strike against Carnegie and Frick. Tell them that the meeting will open with the skilled workers making a short presentation to the unskilled, followed by the unskilled workers' questions and comments, and culminating with the vote by the unskilled.*
3. After the union's presentation, make a speakers list on the board for the unskilled workers to participate with their questions /comments; (extra credit often helps the volunteering process). It is most likely that this part of the meeting will just have gotten started, when the class ends. Continue the meeting on Day 4.

#### **Day4**

1. Have students sit with their groups and either reopen the meeting with the union summarizing their main points from yesterday's presentation, or continue with the unskilled worker's questions. If you find that only a few students are speaking or that the same arguments are being repeated, you can conduct a *straw poll* among the *unskilled*, so all the various points of view can be heard. Tell the unskilled that you want to find out how they are thinking of voting, but that they can vote differently later. Rotate around the room (round robin style) and ask each unskilled worker to briefly tell you whether they are thinking about: joining the strike, not joining, or undecided - and *why*. Have students make statements one after another, without discussion or comments in between. Lastly, *each union worker* can make *one* brief statement telling why s/he thinks the unskilled workers should join the strike.
2. Conduct a simple secret ballot vote: yes (to join the strike), no (not to join). Only the unskilled vote. Tally votes and announce results. If time allows, you can begin a debriefing discussion with students, which you will finish on Day 5.

#### **Day5**

1. Debriefing Discussion—do not eliminate this important step. For the first part of the debriefing, ask students to step out of their roles as they discuss what they learned from the role play:
  - What did you learn from this role play experience about work and unions that is important to you?
  - Why did the unskilled workers vote the way they did? What arguments were most convincing?
  - Ask the skilled how they felt about the outcome of the vote. What are the consequences of the vote? For the success of the strike? Workers, Carnegie, and Frick?
  - Ask the workers if they knew about the company spy who was hired by the company to talk against the union? How much did this person influence the outcome of the vote?
  - What were some of the factors that made it difficult for the workers to join together? What common ground were they able to find?
  - Ask students to predict how they think their outcome compares to the actual historical case. If students don't think the real workers united and joined the strike, ask them why not.
  - Ask them where their negative assumptions about human nature come from. How do these assumptions or their conditioning affect their ability to be a change agent in their own lives? Who benefits from civic inaction and worker passivity?
2. Distribute and read aloud, **Handout #8-D: Homestead Strike -The Outcome**. Students complete **Assignment #4** questions that follow. Use answers to generate discussion for second part of debriefing.
3. See Appendix for follow-up handouts on contemporary workplace issues.

### Skilled Union Workers

Coach skilled workers to develop an **action plan** to present to the unskilled workers at the meeting. Instead of merely asking for the support of the unskilled, the union should **prove they are trustworthy** with some honest talk and several concrete actions. The union could:

- Admit they mistreated the unskilled, apologize, and offer to make restitution.
- Invite the unskilled to join the union. They can tell the unskilled about the strike fund (taken from union dues) and can provide the unskilled workers and their families with basic necessities, such as food and coal for heat if they join with the strikers.
- Create an ESL (English as a Second Language) program to help the unskilled be successful in American society through language literacy.
- Challenge Carnegie's skilled/unskilled division of labor and design of new technology to "de-skill" the workers. Propose worker design and control of new machinery and training to improve the workplace and the division of labor.
- As soon as the strike is won, the union will bargain a contract with Carnegie, which includes a wage package that equalizes pay and hours of work between skilled and unskilled workers.
- Implement a worker's anti-racism task force that encourages tolerance and understanding among immigrant and native-born, and punishes workers who display racist behavior.
- Work toward a *cooperative commonwealth*, where workers run the industries. In fact, the union had a good deal of experience at governance in Homestead where "steel workers dominated the town, heading its city government and police department." (*Who Built America*, V. 2, p.133).

### Unskilled Non-Union Workers

Present unskilled workers with arguments both for and against joining the union on strike:

#### Pro

- The only chance of defeating Carnegie and Frick is if the unskilled go out on strike with the union and shut Homestead down.
- The solidarity between the skilled and unskilled could lay the basis for a more united, powerful kind of unionism- industrial unionism—where workers organize by industry (steel, auto, etc.), not by skill.
- Carnegie and Frick are the real enemies of the workers. Didn't Carnegie cut the wages of the union and lock Homestead down? Isn't Carnegie responsible for the low wages and degraded working/living conditions? Who benefits most when the skilled and unskilled work against each other?
- To scab would mean even more bitterness between workers and possible violence .
- If the strikers win, the unskilled will stand to benefit most with higher wages, etc. They could wield great power in the union (80%) & make serious demands e.g., reorganizing the work at Homestead in a way that is fair and equitable.

#### Con

- The risks are too great - the unskilled are more easily replaced than the skilled workers; they could be evicted from their homes; blacklisted; arrested or killed.
- Gains from the strike are unclear and uncertain - the strike could fail; the skilled could sell them out at the bargaining table after they win; the skilled are only asking them to join the strike out of self-interest and judging from their past behavior, who is to say they can be trusted?
- Carnegie might reward the unskilled for crossing the picket line and going back to work, which could mean higher wages and better benefits, once the union is defeated.

## THE HOMESTEAD STRIKE

At the outbreak of the strike, there were two different groups of workers in Andrew Carnegie's steel mill in Homestead, Pennsylvania, in 1892.

The 800 skilled workers were in the minority at the mill, which employed a total of 3,800 men. They were members of a craft union, the Amalgamated Association of Iron and Steel Workers, which had helped them gain wages ranging from \$35 to \$70 a week and an eight-hour day. It had also helped them gain an important role in making decisions about their working conditions. Committees of workers in each department decided who did what work and regulated many details of running the plant. Through their knowledge and organization, these committees decided everything, from what materials to use to how to get work done. Most of the skilled workers were native-born Americans whose ancestors came from countries in Northern Europe, especially Great Britain and Germany.

But the great majority of workers at Homestead were unskilled. They did the dirty work at the plant: lifting, shoveling, pushing. They worked a twelve-hour day with only two vacation days a year and earned under \$10 a week. The union had little interest in organizing these people. Their view was: why bother when we, the skilled workers, are the most important part of the process of making steel. They felt their union was powerful enough without the unskilled. Furthermore, most of the unskilled workers were recent immigrants - peasants from Eastern Europe who could barely speak English. Some of the union members realized from their experiences that all workers cooperating together could run the country's industries without the need for bosses. They called their vision a "cooperative commonwealth." Most of the skilled workers, however, did not want to associate with the foreign newcomers.

Still, all the workers had important things in common. The accident rate in the steel mills at that time was tremendous. Deaths and injuries from explosions, burnings, asphyxiation, electric shocks, falls, crushing, and other causes were frequent. Although skilled and unskilled workers lived in different neighborhoods, their houses were often owned by the company. People who opposed management could be evicted without warning.

Losing one's job automatically meant losing one's home.

The skilled workers had the union to defend them from the employer; the unskilled did not.

In 1892 the union contract was about to expire. Three years earlier, Carnegie had tried to eliminate the union and failed. To make the maximum profits, he needed to tighten control over the work process. Like other industrialists around the country, Carnegie had begun laying plans to reorganize his steel mill. Complex tasks, until then done by skilled



**"Blast Furnace" by Thomas Hart Benton**

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## STUDENT READING #8-A

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workers, were to be broken down into single motions and divided among lower-paid, unskilled people. Machines were to be brought in. Those troublesome skilled workers would no longer be needed, the union would be eliminated, and productivity and profits would soar.

Carnegie imported a professional union-buster, Henry Clay Frick, to run the Homestead plant and gave him the following policy statement: "There has been forced upon this Firm the question whether its Works are to be run 'Union' or 'Non-Union.' As the vast majority of our employees are Non-Union, the Firm has decided that the minority must give place to the majority. These works, therefore, will be necessarily Non-Union after the expiration of the present agreement. This action is not taken in any spirit of hostility to labor organizations, but every man will see that the Firm cannot run Union and Non-Union. It must be one or the other."

Frick built a twelve-foot-high fence, three miles long, around the entire plant, topped it with barbed

wire, and bored holes for guns every twenty-five feet. Then he gave the workers an ultimatum: take a pay cut—even though business was still booming in the steel industry—or the union will be broken. Two days before the old contract was to end, he closed the mill and locked out the workers. In response, the union's advisory committee voted to strike.

The Amalgamated Association of Iron and Steel Workers called a meeting of all the workers at the plant. Their goal: to win the support of the unskilled workers for their strike. If everyone would agree not to work at the mill during the strike, then Frick would have a hard time keeping it running. But, if the unskilled went to work as scabs, the strike would be lost.

The big question was: would the unskilled workers support the strike?

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### Assignment #1: Follow Up Questions

**Instructions:** Use this method to answer questions for the assignments in this role play. Choose a member of your group to be *discussion coordinator*, who will read the questions aloud to the group. The coordinator also makes sure everyone in the group participates in a *discussion* of the answer, before anything is written. Only after each question has been answered *orally* by the group, does each team member answer the question *in writing* as an individual assignment. Do questions one at a time, on a separate sheet of paper.

1. What differences are there between the skilled and unskilled workers? Be specific. Use a two-sided "T" shaped chart, like this:

Skilled Workers	Unskilled

2. What important things do both sides have in common?
3. What plans has Carnegie made to reorganize the work and the workers at Homestead? Why?
4. How do Carnegie and Frick benefit by "busting the union?"
5. What specific *actions* have Carnegie and Frick taken to break the union?

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## STUDENT READING #8-B: Role Assignment—*Skilled Union Worker*

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**Y**ou are proud to be a member of the Amalgamated Association of Iron and Steel Workers Union (AAISW). With 24,000 members nationally, it is the most powerful union in the US. Nobody pushes around a member of the AAISW!

You've worked here in Homestead for about 15 years. You have a highly skilled job, as a puddler in the steel making process, a skill taught to you by your uncle. Your last union contract negotiated with Carnegie achieved an 8-hour day, six days a week. You earn from \$35 - \$70 a week, thanks to your union, depending on the price of steel. (If steel prices go up, your wages go up. When prices go down, wages go down.) But even \$35 is great compared to what those unskilled workers earn - less than \$10 for 4 hours more work a day.

In some ways it's really the skilled workers who run the Homestead works. We say, "Carnegie may know how to make money, but the skilled workers know how to make steel." Even though Carnegie owns the mill, you're proud of the control and independence that skilled workers have both at work and in the town. It's your skills and control of the work process as a union that keep wages up.

For a lot of reasons you are glad to be an American. You speak English, like most people in the country, and all of the good jobs go to Americans. If you were an unskilled Hungarian, Greek, Italian, or Polish immigrant, not only would

you do the heaviest, dirtiest jobs, you would live in the most crowded, unsanitary housing. If the unskilled were permitted to join the union, not only would they outnumber you 4 to 1, they might also make it easier for Carnegie to lower the wage scale. (On the other hand, some of you are radicals who believe that one big union, with all the workers cooperating together, could defeat Carnegie and even run all industries without bosses or owners!)

Even though many of you look down on the unskilled foreigners, you all depend on them. As a skilled puddler you need unskilled helpers. And Homestead is a dangerous place for everybody, so all the workers - skilled and unskilled - must look out for each other. Hundreds of people are killed or injured in the steel industry every year.

The AAISW has called a mass meeting of all the unskilled workers and you and your team have been elected by the rest of the union membership to make a presentation to the unskilled workers. Your **goal** is to **convince the unskilled workers to unite with the union and join the strike** to shut Homestead down. If Carnegie and Frick lose enough profits, they surely will settle with the union and you will have enough power to demand a strong contract. You have gone on strike before and won, and you believe that with enough determination and unity among all of the workers, the union will prevail again!

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### *Assignment #2—Preparing for your role.*

This individual writing activity is called an **Interior Monologue**. Follow the instructions below to explore the inner thoughts and feelings of a skilled union worker at Homestead.

#### *Paragraph 1*

Use your real name, but imagine the rest from your perspective as a skilled union worker—such as your age, marital status (married, single), living situation, etc. Describe your work at the mill, your relationship with the unskilled workers, and to Carnegie and Frick.

#### *Paragraph 2*

Next, discuss the strike. What do you fear? How would you like to see the strike turn out?

After each person finishes writing, take turns reading the assignment aloud to your group. Then choose one to represent your group in the **introductions** which will follow shortly.

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### *Assignment #3—Preparing for the meeting.*

You are nervous because your relationship with the unskilled has sometimes been rocky. But it is clear that you cannot win the strike without the unskilled. It's up to you to convince them. Discuss the questions below as a group, and record your answers on your own paper.

1. What are the differences between you and the unskilled workers that might prove most troublesome in getting their support for the strike?
2. What things do you have in common that might help you overcome your differences?
3. What arguments could you give to convince the unskilled to support you?
4. What changes could you make in your treatment of the unskilled or in your strike plans that might persuade them? Develop an action plan with several specific suggestions. Now, divide these ideas into opening statements from each of you for the meeting.

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## STUDENT READING 8-C Role Assignment—*Unskilled Worker*

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**Y**ou are an unskilled worker at Andrew Carnegie's Homestead steel works. You have only lived in the United States for about 4 years. In your town, when times were rough, it was common for different families to help each other out. As things got worse, you left Hungary (or Russia, Poland, Albania, Greece, Italy, etc.) But you all left for the same reason: hope for a better life.

Hearing there was work in the steel mills, you left New York City and went to Pennsylvania. You had never seen a factory like the one you saw at Homestead: huge and loud, with smoke belching everywhere. And, sure enough, you were hired right away. A work week is 6, often 7 days. Most days, you work 12 hours, averaging about \$.14 an hour. This comes out to a little less than \$10 a week!

Although you work for Carnegie, your immediate boss is one of the skilled workers. You are considered his unskilled *helper*, but you feel that you could do many of the skilled workers' tasks with a little guidance and a bit more English under your belt. He is paid a certain amount for every ton of steel he makes - the more he makes, the more he gets paid. And the more he gets paid, the more you

get. But when his wages go down, yours go down too.

The skilled workers act superior because they were born in America, speak English, and know more about the technical aspects of the work. "The union is only for skilled workers" is their attitude and they don't want you to belong. Mostly, you socialize with other people from your village in the old country, rather than with Americans. Yet, while the skilled workers hold themselves above the unskilled, the work is dangerous for everyone. Hundreds are killed or injured in the steel industry every year, so you need to watch out for each other at work.

Your living conditions are terrible: 2 rooms, no indoor toilets or running water, inadequate food, and you're always broke. Your kids aren't even getting an education and they're always sick. What would you do if you made any *less* money or got any *less* respect?

Soon you will be attending a mass meeting called by the union. They hope to enlist your support for their cause. At the end of the meeting, you and your co-workers will vote on whether or not to unite with the striking union workers.

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### *Assignment #2—Preparing for your role.*

This individual writing activity is called an **Interior Monologue**. Follow the instructions below to explore the inner thoughts and feelings of an unskilled, non-union, immigrant worker at Homestead.

#### *Paragraph 1*

Use your real name, but imagine the rest from your perspective as an unskilled worker - such as your age, country of birth, reasons for immigrating to the US, marital status (married, single), living situation, etc. Is life here what you expected or not? Describe your work at the mill, your relationship with the skilled workers, and your feelings about Carnegie and Frick.

#### *Paragraph 2*

Next, discuss the strike. How do you hope the strike turns out? What would you like the unskilled workers like yourself to get out of the strike? What consequences do you fear?

After each person finishes writing, take turns reading the assignment aloud to your group. Then choose one to represent your group in the **introductions** which will follow shortly.

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### *Assignment #3—Preparing for the meeting.*

The meeting will open with a short presentation from the union, then the floor will be opened up for questions, comments and opinions from the unskilled workers. All of the unskilled workers will have an opportunity to have their voices heard. At the end of the meeting, you will vote on whether or not to unite with the union and strike against Andrew Carnegie's steel mill in Homestead. Discuss these questions as a group and record your answers on your own paper.

1. What are the differences between you and the skilled workers that bother you the most?
2. What do you have in common that might help you to overcome your differences?
3. How could you benefit from supporting the strike? What could you lose?
4. Come up with 2 specific questions of your own to ask at the meeting. What demands could you make?

## **Secret Student Handout—Homestead Strike**

### **Company Spy**

You have a special role. You are not only an unskilled worker, but also a company spy. Besides gathering information, you have been instructed (and well paid) to do whatever you can to sabotage the strike by setting the groups against each other and by trying to convince the unskilled *not* to support the strikers.

Do not reveal your role until the role play has ended.



## Homestead Strike—The Outcome

At the mass meeting on June 30, 1892, more than 3,000 of the plant's workers jammed into the Homestead Opera House. After discussion, they overwhelmingly voted to support each other and to strike.

A woman who interviewed some of the participants wrote: "The strike began June 30. The Association, which had been so recently indifferent to the conditions of the day men [unskilled workers], now realized, since many of the latter could be put into the skilled positions, that the strike could not be won without their assistance. A call was thereupon issued for them to strike, and the day men, with everything to lose and almost nothing to gain, went out too, and remained faithful supporters to the end."\*

Frick hired a private army of hundreds of armed mercenaries to force the strikers back to work. Local sheriffs' deputies had been unwilling to oppose the strikers. When that army was beaten by the workers, with people killed on both sides, the governor of Pennsylvania sent in the state militia. Upon seeing that the troops were friendly to the workers, the general in charge forbade them to talk with strikers or even to walk in the town unless supervised by an officer. The general wrote, "[The workers] believe the works are theirs quite as much as Carnegie's."

Strikebreakers were brought in from different parts of the country, and gradually production resumed. Often they weren't told of their destination until they arrived; many times they were brought in sealed railroad cars after having signed up to go to other Carnegie plants. A number of these men escaped along the way. Afraid for their own safety or unwilling to take other workers' jobs, forced to live inside the plant and work in poor conditions, some managed to get away after arriving.

Still, the workers stayed out on strike. Legal charges were brought against almost two hundred of them for crimes that included treason against the state of Pennsylvania. Found innocent by juries on one set of charges, they were immediately rearrested and tried for other supposed crimes. Ultimately, no striker was ever found guilty of any charge, but the constant prosecutions took the money they had saved for the strike, demoralized them, and kept their leadership locked up during crucial times.

Carnegie owned other mills and was able to continue to produce and sell steel while the strike went on. Workers in other mills also struck, briefly, in solidarity with the Homestead workers. Nevertheless, after four and a half months the strike was lost. With winter approaching, the strikers were forced to return to work on Frick's terms.

Having beaten the union, it was relatively easy for Carnegie and the rest of the steel corporations to introduce changes in work practices and to bring in new machinery. At Homestead, wages were cut, hours were increased, and the number of workers employed was drastically reduced.

Carnegie and Frick decided to change more than work relations at Homestead. They thought that if they could influence the private lives of the workers in their mills, they would have a more obedient workforce. They did this by encouraging the workers to marry and take on family responsibilities. Instead of renting houses and thus controlling workers through the threat of eviction, they now would *sell* the houses. Owning a home, workers would be tied to their jobs and would have to keep up house payments.

**The Power In Our Hands**

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\*Margaret Byington, *Homestead: The Household of a Mill Town* (New York, 1909-1914), p. 9.

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## STUDENT READING #8-D

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This was a time when a few corporations came to own many of the steel mills. There were attempts in other mills to strike; however, the union still excluded the unskilled, so the workers seldom agreed to follow the leadership of the skilled. Even when there was solidarity between skilled and

unskilled workers in one mill, the corporations were able to shift production to other mills and wait out a strike. Within ten years, Carnegie Steel merged with other corporations to become United States Steel, a company that controlled 60 percent of the entire industry.

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### Assignment #4: Debriefing Questions *(Answer on a separate sheet of paper.)*

1. Compare and contrast the outcomes between the decisions made by the real workers at Homestead with the vote in your class. Similarities? Differences?
2. What obstacles and challenges did the real unskilled workers have to overcome to join with the striking union ?
3. What actions did Carnegie (*the* richest man in the world in 1892) and Frick take to defeat the workers at Homestead, despite their solidarity? And knowing *now* that the company spy was planted by management to defeat the strike, how does this affect and/ or change your feelings about the outcome of your class simulation?
4. What lessons had to be learned from Homestead in order for workers in the steel industry to re-organize into a strong *industrial union* over 50 years later in the 1930's? Unlike the *craft* union at Homestead, which organized workers by *skill*; *industrial unions* organize workers by *occupation*, including all skills, e.g., steelworkers, auto workers, etc.)
5. After the union was beaten, how did Carnegie use the new machinery he designed to change the work at Homestead? How might the results have been different if the workers controlled the design of the new technology for the workplace?
6. What did you learn about the relationship between labor (workers) and capital (owners)? What did you learn about the power of ordinary people to unite and take collective action to defend their rights ?
7. What lessons could you apply to your own working life now or in the future? How can history help us to better understand ourselves and others in contemporary society?

L e s s o n t h r e e



1934 West Coast  
Longshore Strike



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## TEACHER'S INSTRUCTIONS: 1934 West Coast Longshore Strike Role Play

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This lesson is adapted from *The Power In Our Hands: A Curriculum on the History of Work and Workers in the United States*, by Bill Bigelow and Norm Diamond, (Monthly Review Press) and is available from Teaching for Change; [www.teachingforchange.org](http://www.teachingforchange.org); 800-763-9131.

### *Goals/Objectives*

1. Students will learn how a strike can affect many, if not all social groups, in a community.
2. They will understand the powerful role that alliances between different social groups can make in determining the successful outcome of a crisis.
3. They will learn how ordinary people can provide the leadership needed to create significant social change.

### *Time required*

4-5 Class periods

### *Procedure*

#### *Day 1— Background Information*

1. Tell students that each one of them will be assigned to one of five groups who were involved in the 1934 West Coast Longshore strike as it happened in the city of San Francisco. Explain the lesson's objectives and list the names of the five groups in the role play on the board.
2. Number students off randomly into 5 groups, but do not assign roles yet. Distribute **Student Handouts #13-A and #13-B** in order for students to familiarize themselves with certain terms and the situation which led up to the strike. Have different students volunteer to read both handouts aloud. Have them highlight important information as they read along.
3. Have students complete the three questions that follow #13-B, **Student Assignment #1**. This is the first of four assignments, and since they use all of the information in the role play, you will probably want to have them turn in all the assignments as a packet at the end. Please have each group choose a facilitator (this person can rotate from day to day, as you like). Discuss the questions together as a group first. Afterwards, each student completes the answers in her/his own words for individual credit.
4. Assign a role to each group with **Student Handouts #13-C to #13-G, Role Assignments**. You may want to choose the stronger groups to represent the Waterfront employers and the ILA, or you can have groups draw for them at random. Have each group read around their role aloud and softly to one another, without disturbing any of the other groups.

The teacher should be familiar with the content of all the roles.

#### *Day 2— Role Preparation*

1. Have students circle up with their assigned social groups and distribute placards you've prepared with their group names, to identify each of the groups. Explain to students that for the first 10-15 minutes of the period, each student will write a short "interior monologue" **Student Assignment #2**, as a way of internalizing her/his role, and preparing to express their opinion from that particular historical and class perspective.
2. After students finish writing their monologues, have them do a "read-around" in which they each read their work aloud to the other members of their group. Each group then chooses one, (or two, if time permits), to read aloud to the whole class as a means to introduce their group in the next activity.
3. Conduct group introductions by asking each group for a member to read aloud the interior

monologue(s) that best represents them, in order to acquaint all of the groups with one another and expose the major issues and perspectives involved in the role play. During this time, the teacher may want to ask some questions to clarify information from group representatives.

4. Tell students that the culmination of the role play is a community meeting with the Mayor of San Francisco, Angelo Rossi, where each group will present its recommendations on how to best solve the strike for the greater good of the city. You will also need to announce to students that it has been proposed that Mayor Rossi call in the National Guard to disperse the union's picket line and reopen the port of San Francisco, so that business can get back to normal in the city. Ask students to brainstorm the possible consequences of such an action: union defeated, martial law and the suspension of everyone's civil liberties, escalation of violence, etc.

The first step in preparing for the meeting is for each group to discuss **Student Assignment #3: Questions Facing Your Group**. Group facilitators should lead discussion, and each member must write the group's answers on individual paper, **for use in the negotiations with other groups** (to follow). You will need to circulate among the groups to help them understand that each of their groups has some kind of leverage or power in influencing the outcome of the strike, especially if they unite with other social groups. However, only the ILA and the employers can decide the terms of an agreement.

In this activity, students need to begin to think about what they can do to make the longshoreworkers' union and the waterfront employers come to some resolution. You may need to suggest some types of deals and alliances that different groups can make with one another, in exchange for their support, before negotiations begin. Be sure to remind groups that only the ILA can make changes in their demands. The following are some suggestions for coaching the groups before and during negotiations:

### *Coaching Tips for Groups*

- **International Longshoreworkers' Association (ILA):** Encourage the union not to compromise prematurely with the waterfront employers, before they know the full extent of the support they can get from the other social groups. (It's also important for the ILA role players to understand that they cannot trade away their most important demand: union recognition.) They should focus on how to convince other social groups to support their demands or even join their picket line against the waterfront employers. For example, the ILA can explain to the unemployed that if they win the 6 hour shift, that will mean more work on the longshore for the unemployed, but only if the unemployed don't cross the picket line to take their jobs.
- **Central Labor Council (CLC):** This group is key to the simulation's most progressive (and radical) outcome—that is, if they recognize their interest in the strike's success and their power to influence other groups—because of their large numbers (177 local unions and over 100,000 union members) and the important job skills they have. Encourage these students to think about the type of collective actions that unions take to influence employers, e.g., petitions, rallies, media, events, boycotts, strikes... and consider what would have the greatest impact on employers: joining the strike in support of the longshoreworker union's demands, e.g., a city-wide "general strike" in which all union members in the city would walk off their jobs, shutting down most businesses, and join the ILA's picket line. (Radicals saw the general strike as a vehicle to end capitalism—if all workers would lay down their tools, capitalism would grind to a halt, and workers could take over and run production and government.) This could force Mayor Rossi to back off from calling in the National Guard, and make the employers compromise, or make even more concessions to the workers.

In exchange for support from other groups, the CLC can also offer to use its connections to help the unemployed (i.e., free medical care), or guarantees to "union-friendly" storeowners to shop at their stores. The CLC can use its power to warn the waterfront employers what's in store for them if they don't sit down and settle this strike with the ILA. A general strike could also lead to even more radical outcomes, such as takeover of the waterfront operations—a worker-controlled and/or public-city) owned port or even more... worker economic and political power.

- **Retail Storeowners:** As small business owners, this is a "swing group" which could either align with the other (much larger) business owners, the waterfront employers, or could support their customers, the working people. Although a promise of lower shipping costs from the waterfront employers might appeal to them, they also need customers with bigger paychecks!

- **Unemployed:** Either their labor will be used by the employers to defeat the strike, or their refusal to scab will help ensure the ILA's victory. Therefore, they could get quite a bit from the other groups in return for their support, such as improved wages from the waterfront employers if they choose to scab, or a firm commitment from the ILA to the 6-hour shift to create more jobs. This group may split, making strike solidarity actions by the CLC vital for the ILA to win.
- **Waterfront employers:** The waterfront employers can offer the jobs to the unemployed if they support them in the strike and in using the National Guard to open the port, and they can offer to reduce shipping costs to the retail storeowners in exchange for their support. However, this group may feel very isolated, especially if the retail storeowners and the unemployed are not sympathetic. Prepare them to see the value of compromise in the short run, since they will be the long-term "winners" if they can maintain ownership and control of their businesses through the Depression crisis. Reassure them that the Mayor does have very close ties to the employers, since they contributed heavily to the Mayor's election.

### *Day 3—Negotiations*

1. Arrange the groups in the following order for negotiations, which will move in a clockwise direction:

- 1) Retail Storeowners
- 2) Waterfront employers
- 3) Unemployed
- 4) International Longshoreworkers Association
- 5) Central Labor Council

Ask students to make sure their work on **Student Assignment #3**, is complete. As an additional activity to help work students into their roles, ask them to draw a cartoon or picket sign to represent who they support in the longshore conflict, so far, the employers or the union. Next, students will continue to prepare for the meeting with San Francisco Mayor Rossi through a *rotating negotiation session*, consisting of five rounds. The purpose is for the different groups to try to agree on the issues facing them in the strike and to unite to help resolve them. Remind them that if the Mayor hears the same idea from more than one group, it's possible he (or she, since the teacher plays this role) will be convinced (or intimidated enough) to take the action their group recommends.

Explain that half of each group will become "sitting negotiators," who receive representatives from the four other social groups, and the other half of the group become the "traveling negotiators," who move around to the other four groups clockwise, in the order shown above. Each student will be a negotiator and help to share her/his group's point of view (written as answers for **Student Assignment #3**), in order to build alliances. Every student should take notes on groups they speak with and the agreements they make. By the fifth round the travelers are back with their home team, where they brief one another on agreements made. Before negotiations begin, remind students that each side should explain its position on the strike and then discuss what both groups can agree on to influence the outcome and settle the strike, and whether either group thinks that bringing in the National Guard is a reasonable solution to reopen the port. Discuss consequences.

The first couple of rounds take longer than the final rounds as they build alliances and strike deals. Allow 5 - 10 minutes per round. The teacher should signal the class each time the travelers should move to the next group. During the negotiating rounds, the teacher needs to circulate among all of the groups to help them to clarify any misunderstandings, help some social groups to see what they can do to help each other, point to both realistic and unrealistic choices, agreements, etc. The momentum builds as the different social groups begin to realize their own power in affecting the outcome through alliance-building.

When the traveling students get back to their own social groups, have them report to each other on what decisions were made, and give each group a copy of **Student Handout #13-H: Group Proposal to the Mayor**, to discuss and complete together. This helps the students to synthesize information before they make a presentation to San Francisco Mayor Rossi at the community meeting.

### *Day 4—Community Meeting with Mayor (role played by the teacher)*

Have groups sit together, but arrange the desks in a circle, so that every student is situated equally for participation in the meeting. Encourage all students to participate in the presentations to the Mayor, and set the agenda in the following order: 1) Retail Storeowners; 2) Unemployed; 3) Central Labor Council; 4) International Longshoreworkers Association; 5) Waterfront Employers.

Before the students begin their presentations, the Mayor should introduce him/herself and make an opening statement. Here are some suggestions:

*As San Francisco Mayor Angelo/a Rossi, thank everyone for electing you, and remind them that you are running for Mayor again next year. You see it as your duty to represent all the people in the city of San Francisco. You intend to do your best to use your influence with your very good friends among the waterfront employers to help solve this crisis. You have received a tremendous amount of mail, phone calls, including one from F.D.R., asking you to step in and do something about it.*

*Tell them that you are deeply concerned because the striking longshore workers' picket line has completely shut down the port of San Francisco. No products are getting loaded or unloaded off the ships, which is causing the city to fall deeper and deeper into the Depression, with even more businesses coming to a standstill and workers soon to be out of work. Talk about the rumors of violence, threats to the employers' property, and that it's been said that communists have been stirring up some workers to think that they can run business and industry without the owners at all... In short, the city is facing a crisis and you've been asked by the city's business leaders in the Industrial Association to bring in the National Guard to re-open the port, restore law and order on the docks, and get business back to normal. Now, you'd like to hear what the various groups in the community have to say about this solution or alternatives to it.*

In and of themselves, the group presentations may be fairly brief, so in your capacity as the Mayor, you will want to query each group on *motivations* behind their decisions and have them *justify commitments* which may appear to conflict with their own self-interest, such as why the unemployed would be willing to forego a job on the docks in order to join the strikers, and *explain the agreements* made with other social groups.

The meeting should take just about all of the class period. You can give the groups your decision about using the National Guard (or what else you will do to resolve the crisis) at the end of the period, or you can tell them you will sleep on it and tell them tomorrow. In most cases, the pressure applied by the combined forces of the CLC, unemployed, and various retail storeowners supporting the ILA, will enable the waterfront employers to see that you cannot use the National Guard, since you're afraid of violence escalating from what you are hearing at the meeting. Indeed, you want to be sure to help them not to lose their businesses, and the best way to do that is to settle this thing quickly with a compromise. Have students write the specific details of your decision as Mayor on **Student Assignment #4: Debriefing Essay** under question 3a. (Students will complete the entire assignment for homework after the debriefing tomorrow.) Your possible decisions include (write them on the board or on the overhead):

### ***Mayor Rossi's (possible) decisions:***

- *No National Guard will be used to re-open the port. (Although you are keeping the National Guard on alert just outside the city, you've decided not to call them in to re-open the port and protect strikebreakers. The resolve of the longshore workers to defend their jobs, and the presence of thousands of union supporters from the CLC and other groups joining their picket line, convinced you that you might have a violent confrontation.)....*

*Or conversely, you may decide to use the National Guard to disperse the strikers, escort scabs, and reopen the port if the ILA is unable to harvest enough support from the unemployed or the CLC, in particular, and enough unemployed are willing to take the jobs of the striking workers.*

- *To re-open the port, for the good of the whole city, you will bring in an outside group of neutral arbitrators that will hear both sides, ILA and waterfront employers, and make the final decision on fair wages, hours, and hiring procedures... IF the waterfront employers agree to recognize the union and the union calls off the strike and longshoreworkers return to work. (You can try to set this up in advance.)*
- *Because of what you have heard in this community meeting, you will join in petitioning the state and federal government to provide relief to unemployed, disabled and elderly workers, plus minimum wages and the right to organize unions for all workers (since you can also support the idea that higher wages for workers, with unions, will lead to greater consumer spending that can stimulate greater business growth, and get us out of the Depression).*



- If radical elements prevail in the groups, and the waterfront employers are willing to be bought out, you could decide that the city of San Francisco will purchase the port with municipal bonds, and operate it as a publicly-owned business, or you could concede to a worker-owned and controlled port operation (if social pressure is sufficient!).

### *Day 5— De-briefing analysis*

1. The major part of the class hour needs to be spent discussing what was learned from the role play during the *debriefing discussion*. Ask students to regroup with their social groups. We like to do this because students tend to feel more comfortable participating with their team, and you may want to be directing some questions to the teams themselves. *Tell students that this was indeed a very important strike up and down the entire West Coast and captured the nation's attention for months. Let's analyze the importance of the Longshore Strike by discussing several questions:*

- What did you learn from this role play experience that is important for your future?
- *Why do you think the strike in our role play turned out the way it did? What various factors influenced the outcome? What kinds of pressure were most effective? Why? How did the agreements made during the negotiations influence the outcome?*
- *How would work, business, and government in San Francisco have been different had the general strike continued?*
- *How do you think your outcome compares with what happened in the actual strike? What do you think really happened? Did the workers win or lose their strike demands? Take a straw poll. More often than not, students think that real people in history were not able to win the 6-hour day, control of hiring, etc., or forge successful alliances among various groups, or rise above their own self-interest—i.e., the unemployed must have scabbed. Note that the longshore workers did win on all their issues; the unemployed and the other unions did back the striking workers, with a general strike action. Students can read the true story, in the **Student Handout #13-I** as a follow-up activity, and/or watch the **Golden Lands, Working Hands video** segment, *Part 5: Labor on the March*. (See Follow-up Activities below.)*
- *What messages do teens receive from society which discourage them from thinking that ordinary people can win justice from the rich and powerful? What are the consequences? Who benefits when people do not challenge injustices and abuse of power? Who loses?*

2. Homework Assignment; **Student Assignment #4: Debriefing.**

### *Follow-up Activities:*

1. Read about what really happened in **Student Handout #13-I: “The West Coast Longshoreworkers Strike and The San Francisco General Strike of 1934: The Outcome”** and compare the actual historical details to what occurred in the students’ role play. **Watch the video** segment **“Labor on the March” included in** the National Collective Bargaining Education Project video resources tape. (It’s part 5 of “Golden Lands, Working Hands.” a labor history documentary by the California Federation of Teachers.) This segment focuses on the S.F. General Strike and the New Deal.

### **2. Contemporary Connections**

- a) Distribute **Student Handout #13-J** about the **Charleston Five**, 5 I.L.A. members in Charleston, South Carolina who were recently jailed in their homes after picketing against a company that used scabs to unload their ships.
- b) A 15-minute documentary available from the Service Employees International Union, ***Si Se Puede (Yes, We Can)***, chronicles the decade-long, nation-wide, union campaign called “Justice for Janitors.” Wage cuts, gross labor violations by management, firing workers who were attempting to organize unions, employers refusing to bargain, lockouts, and police violence were some of the major issues that workers were able to successfully challenge through some of the same methods used by workers in 1934: strikes, demonstrations, rallies, building alliances with other unions and social groups in the community. Students will learn that despite laws that protect us, workers still have to defend their legal rights from employers or police abuse today, as well as fight for rights we don’t yet have and restore rights stolen from us. Contact your local SEIU to borrow a copy of the film.

*Tell students as they watch the film to be aware of who these janitors are in terms of age, gender, race, ethnicity, etc., as well as to look for the similarities between their struggle and that of the longshore workers. Following the film, discuss these questions:*

- *What were some of the reasons that janitors in dozens of cities across the United States went on strike? Why were the janitors marching through Century City in L.A. during the lunch hour?*
  - *What similarities do you see between the 1934 longshore strike and the janitors' campaigns of the 1980s and early 90's? Differences?*
  - *What were the consequences of the police violence against the picketing janitors in L.A.?*
- c) Rent the movie "Bread and Roses" (2000) for a compelling dramatization of the janitors' organizing campaigns in Los Angeles. (110 min.)
- d) You may also want to locate speakers who can describe these strikes. If you teach in a city with an International Longshore and Warehouse Union local contact the union to find out whether there is an active pensioners group which would be able to provide such a speaker on the San Francisco General Strike. Most cities also have Service Employees International Union locals, which could find someone to speak on the Justice for Janitors campaign.

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## STUDENT HANDOUT #13-A Terms You Should Know

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- 1. Longshoreworkers:** The people who work on the docks loading and unloading products from the ships.
- 2. Stevedore Company:** Shipping companies hire stevedore companies, also known as waterfront employers, to load and unload cargo on and off their ships. These stevedore companies then hire gang bosses who hire longshore workers.
- 3. Gang boss:** The person who is directly in charge of the longshoreworkers. Before the strike, the gang boss would hire the longshoreworkers and tell them how long to work. This boss was hired by the waterfront employer (a.k.a. the stevedore company owner).
- 4. Hiring Hall:** Before the strike, the place where longshoreworkers wait to be hired by the gang bosses.
- 5. International Longshore-workers Association:** The union or workers' organization formed by the longshoreworkers to deal with the power of the waterfront employers with collective action.
- 6. Union recognition:** When an employer agrees to negotiate the wages, hours, and working conditions of the business only with the union instead of with individual workers.
- 7. Picket Line:** A group of workers gathered at the company(ies) that they are striking against, to inform the public that they are on strike, and sometimes to physically stop strikebreakers ("scabs") from entering the workplace to work.
- 8. Scab:** An insulting name people on strike call a person who crosses a picket line to take the job that a striking worker usually does.
- 9. Communist:** A person who believes that workers should "communally" (or collectively) own and run business and government, as opposed to capitalists (private individual business owners). Also called socialist.

# San Francisco Crabicle

May 9, 1934

## Longshoreworkers Out On Strike!

Tomorrow morning has been set by longshoreworkers as the beginning of their West Coast-wide strike. We have asked the International Longshoreworkers Association (ILA) and the Waterfront Employers represented by the Industrial Association to present their differing points of view to the public. The following are editorials representing these views.

### Terrible Conditions Force Strike

by the ILA

Longshoreworkers on the West Coast have taken enough! For years, the employers have pushed us around like we were their little playthings. We are on strike to win better conditions and to regain our dignity.

Ever since the Depression hit San Francisco back in early 1930, the employers have been squeezing us to death. Often employers force longshoreworkers to work in very unsafe conditions. Many workers have been killed or badly injured due to carelessness caused by lack of sleep. Some longshoreworkers are forced to work 80 hours a week, while others work as few as eight. And of course, many are totally without work.

To get a job has become a humiliation. Every morning, San Francisco longshore workers gather at the docks by the edge of the Bay. Then, the company owners' "gang bosses" appear and hire workers from the crowd, expecting bribes of a bottle of whiskey or money. The

bosses want only the biggest and strongest workers, so older workers are often without work. They also try to hire workers they think are not members of the union.

The Depression has given employers just one more excuse to cut our pay. Last year they slashed it from 90 cents an hour down to 75 cents. But when they saw the union was gaining strength, they raised wages to 85 cents, and tried to make it look like they were doing us a favor.

While they're busy cutting our wages, the owners are also speeding up the work. Many gangs have been forced by the gang bosses to handle over three times as much cargo as they were just a few years ago!

The employers have left us no choice. They are causing us to strike. Our demands are simple:

1. The employers must recognize our union, the ILA. They must agree to negotiate the wages and working conditions with the International

Continued on page 2

### Selfish Longshoreworkers Unreasonable and Greedy

by the Industrial Association

Some longshoreworkers are going on strike. Thinking only of themselves, they are hurting everyone in San Francisco and the entire state of California.

The waterfront employers who own the stevedore companies have done everything possible to avoid this strike. Longshoreworkers claim that conditions are getting worse. Actually they're getting better. Last year, the waterfront employers increased wages from 75 to 85 cents an hour. This is generous, made at a time when many of us are losing money.

Just looking at the longshoreworkers' demands, we can see what an irresponsible strike this is. They want the union to control hiring! Please, name one single business or industry where workers get to hire workers. This is a ridiculous demand.

They want the waterfront employers to recognize the union. The employers are not

opposed to unions. But longshoreworkers in San Francisco already have a union called the Longshoremen's Association of San Francisco and the Bay Area. The Waterfront employers are fully supportive of them and even helped this organization get started.

Longshoreworkers demand a 6-hour day. This is also ridiculous. Whoever heard of a 6-hour workday? We suspect some laziness is at the root of this demand.

And finally, their demand for increased wages. We already increased their wages last year, and now they are whining for even more. If this doesn't show their greed, then what does? We are in a Depression. Everyone is hurting. Our profits have suffered enormously. But we're not complaining. We realize that all Californians are in this thing together. However, we do feel that the longshoreworkers should not try to force us out of business with their selfish demands.

Continued on page 2

## **Terrible Conditions Force Strike**

**Continued from page 1**

Longshoreworkers Union in every port on the West Coast and only with the Union.

2. We want a "union-controlled hiring hall." In other words, the union should decide who would be hired to work on the longshore. We want to rotate jobs among all longshoreworkers so that everyone works about the same: No one works too much or too little. No more having to bribe gang bosses!

3. We demand a 6-hour day and a 30-hour week. A shorter day will lead to fewer injuries. Also, it will mean more work to be shared with many of the unemployed workers.

4. We want an increase in pay from 85 cents an hour to \$1.00 an hour, and for overtime (after 6 hours) to \$1.50. This is a decent living wage.

The employers have started this strike, but we'll finish it. We urge all San Franciscans to support the longshore workers!

## **Selfish Longshoreworkers Unreasonable and Greedy**

**Continued from page 1**

Longshoreworkers have threatened to use violence to keep the docks closed. This is regrettable. The waterfront employers and all the business owners in the Industrial Association believe that in a civilized society, disputes should be handled calmly and reasonably. However, should the longshoreworkers carry through with their threat of violence, we know the police will protect our property rights.

We know that there are many people out there wanting

work. We urge unemployed people to come forward and take the jobs of these strikers who have such little concern for the people of San Francisco. We are counting on your support.

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## **Remain Calm, Everyone**

The Chief of police has advised everyone in San Francisco that although an army of communists is said to be marching on the city, there is no reason to be alarmed.

# **Wanted!**

## **2,000 Men**

### **for**

## **Longshore Work**

## **85 cents per hour**

## **Apply 7 A.M. on the Waterfront**

**Paid Advertisement**

**STUDENT ASSIGNMENT #1: Follow-up Questions to Student Handouts #13-A and #13-B**

**Student Instructions:** Choose a discussion coordinator in your group to read aloud each question and get everyone’s input before writing.

- 1. Explain what started the conflict between waterfront employers and the longshoreworkers, who have just walked off their jobs on a strike.

**ILA Point of View**

**Waterfront Employer’s Point of View**

<b>ILA Point of View</b>	<b>Waterfront Employer’s Point of View</b>

- 2. Before the longshore workers went on strike, they organized themselves into a union called the International Longshoreworkers Association or ILA.\* Describe the demands made by the ILA in order to end the strike and return to work, loading and unloading ships on the waterfront. Why is the demand for union recognition listed as their number one demand?

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\*In the 1930s, the ILA was called the International Longshoremen’s Association. We are calling them Longshoreworkers because females as well as males are in the role play. Similarly, today the union, recognizing that its members are both men and women, is called the International Longshore and Warehouse Union.

**B**efore the strike you had been working on the docks in a “steel gang” (a group of workers who mostly load and unload steel from the ships). There has been less and less work for the longshore workers since about 1930. The way the waterfront employers hire people has made it impossible to feel secure about getting enough money each week to live on. You have to be down at the hiring hall all day long whether or not there’s any work.

Sometimes you go home, having spent all day on the docks without any wages for your wasted time. When there is work, a “gang boss,” hired by one of the waterfront employers, will go around picking men and women he wants in his gang.\* Often he chooses people who give him bribes of whiskey or money, but because you’re very strong and a good worker you haven’t had to offer any bribes...yet. You’re somewhere between your late 20s to mid-40s in age (you will decide exactly what age later), and all the time there are more and more younger people coming along who are eager for your job.

Often, the waterfront employers say that because there won’t be much work the next day, they’ll only hire the gangs which work the fastest today. This means that your gang boss makes you work fast and very, very hard to compete with the other gangs. Some days you work as many as thirty-six hours straight, stopping only for short breaks. There are times when you work close to eighty hours in a week, rarely seeing your family. Other weeks you might get five to ten hours work, or none at all, and have trouble paying your family’s bills.

Another thing the waterfront employers have done during the past few years has been to cut your wages. In 1930, you were getting \$.90 an hour. In 1933 they cut wages to \$.75 an hour. It’s only because they’re scared of the union that they recently boosted wages back to \$.85 an hour.

Last year because of the speed-ups in your work, a good friend of yours lost one of his hands in an accident. You had been working for twenty-four hours straight, with only two short breaks. The accident happened because your friend wasn’t awake enough to pay attention and his hand got caught between thick steel rods. With the strike now on, you’ll need to get support from as many groups in the community as possible. The strike could hurt some people—many businesses in the city depend on products that are shipped in and out of the port. You’ll need to think of different ways to get as many groups as possible on your side.

\* Although women were not working on the docks in the 1930s, they are today. With changes in technology, such as the use of huge container cargo moved by cranes, the job no longer requires physical strength as much as knowledge of computers. So, for the role play, we are going to assume that women did indeed work in this occupation and were members of the ILA, right along with the men.

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### ***STUDENT ASSIGNMENT #2:***

Now, on your own paper, write two paragraphs called an “interior monologue” to explore your thoughts and feelings in this role. Follow the guidelines, and when finished, read your thoughts aloud to your group and choose 1 or 2 monologues to introduce your group to the rest of the class.

#### ***Paragraph 1***

State your real name, and then make up the rest to realistically fit with your role, such as your age, marital status and family situation. Also, tell us about your job, and how the Depression is affecting you and your family.

#### ***Paragraph 2***

Tell how you feel about the strike between the longshoreworkers and the waterfront employers: How is it affecting you? The city of San Francisco? What worries you about the strike? How do you hope it turns out?

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## STUDENT HANDOUT: #13-D: Role—*Unemployed Person*

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You've been looking for a job for over a year, but you can't find anything at all. You're beginning to wonder if there's something wrong with *you*. You have relatives in town who help out some, and you have a vegetable garden, but you're worried about your family's health. You are either married with several kids, or you could be single, taking care of an invalid relative (you'll get a chance to decide more about your personal situation shortly). In any case, you have responsibilities to others that have to figure into any decisions you make these days.

You still owe the owner of the corner variety store for some of the groceries that you got last week. You've also stopped paying rent on your house because you can't afford it, and food comes first. Your landlady has threatened to kick you out if you don't pay up. You don't know whether or not to believe her. Some empty houses have been torn apart for wood to burn for heat. She might be worried the same thing could happen to her house if she kicks you out, but you really can't be too sure.

What you'd really like is a steady job that pays well so that you can feed and clothe your family and feel better about your own self-worth. You couldn't even afford to buy anything for the kids in your family for Christmas. You're feeling more desperate all the time. You have many skills and could work at any number of jobs. You've been a carpenter, you know how to lay bricks, you've worked in the lumber mills for a time, as a nurse's aide, and even spent a year working as a longshoreworker.

Recently, you have joined one of San Francisco's unemployed councils. This is kind of like a union of unemployed people. These councils work to keep people's water, gas, and electricity turned on, even when they can't pay their bills. Sometimes if the city turns off a family's water, someone from the council will come over and turn it back on.

The councils believe that unemployed people have to stick together with working people and to support each other. Council leaders talk a lot about people who aren't owners or bosses needing to help each other to fight to get what they need. You've heard that some of these leaders are rumored to be Communists. Not only do they think that working people don't need owners or bosses to run things, they think that these capitalists are the *cause* of the Depression to begin with, and that the time is right to get rid of them altogether! They want to create a "worker-run" government with "worker-owned" businesses and industries, like they started after the revolution in Russia, in 1917.

Lately, you've begun to wonder just who is responsible for the mess you, and millions of unemployed like you, have been struggling with ever since the beginning of the Depression, when the stock market crashed on Wall Street. Is the "revolution just around the corner" here, too, as the Communists say, or are they talking "un-American" ideas?

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### ***STUDENT ASSIGNMENT #2:***

Now, on your own paper, write two paragraphs called an "interior monologue" to explore your thoughts and feelings in this role. Follow the guidelines, and when finished, read your thoughts aloud to your group and choose 1 or 2 monologues to introduce your group to the rest of the class.

#### ***Paragraph 1***

State your real name, and then make up the rest to realistically fit with your role, such as your age, marital status and family situation. Also, tell us about your past jobs, and how the Depression is affecting you and your family.

#### ***Paragraph 2***

Tell how you feel about the strike between the longshoreworkers and the waterfront employers: How is it affecting you? The city of San Francisco? What worries you about the strike? How do you hope it turns out?



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## STUDENT HANDOUT #13-E : Role—*Waterfront Employer*

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Steamship companies hire your stevedore company to load and unload their ships. In turn, you hire longshoreworkers to actually do the work. The Depression has been making your life as a business owner very difficult.

First, because of the Depression and business production of goods slowing down, there isn't as much shipping going on. So all the waterfront employers have been busy competing with each other trying to offer a lower price to the steamship companies, hoping to get more business for themselves. This means that your profits have been lower than before.

Also, you still owe the bank a large part of the money you borrowed early in 1929 to expand your operations on the waterfront. You had hoped for more business, but you've gotten less. Each month you need to make large payments on the money you borrowed, and you're worried that you might not be able to keep up your loan payments. And, of course, now you've got the longshoreworkers, the people who actually do the work of loading and unloading the ships, making new demands on you.

Ever since 1922, you haven't had to deal with any longshoreworker unions. You have been able to hire and fire anyone you wanted. You could pretty much decide how many hours at a time people would work. And since 1930, you've been able to

lower wages and still find people willing to work. All the major decisions have been up to you, the stevedore company owner, and you've gotten used to that.

You are a very important and well-educated person. You can't understand why you should share your power to make decisions about your business with a bunch of uneducated longshoreworkers.

It's lucky for you that all of the waterfront employers have agreed to cooperate to make plans during the strike. And all of the waterfront employers are members of the Industrial Association, the city-wide organization of all the big employers, which also opposes the longshoreworkers' strike.

Many businesses in the area use the port either to ship their goods or to get supplies. Everyone's gasoline is brought in by ship and many items sold by stores around San Francisco are shipped in from around the world and from other U.S. ports. The factory owners use the port to ship their products out to the rest of the world. The jobs of many workers depend on the constant movement of products in and out of the port. You can see how important your business is to the city and people of San Francisco.

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### ***STUDENT ASSIGNMENT #2:***

Now, on your own paper, write two paragraphs called an "interior monologue" to explore your thoughts and feelings in this role. Follow the guidelines, and when finished, read your thoughts aloud to your group and choose 1 or 2 monologues to introduce your group to the rest of the class.

#### ***Paragraph 1***

State your real name, and then make up the rest to realistically fit with your role, such as your age, marital status and family situation. Also, tell us about your company, and how the Depression is affecting your business.

#### ***Paragraph 2***

Tell how you feel about the strike between the longshoreworkers and the waterfront employers: How is it affecting you? The city of San Francisco? What worries you about the strike? How do you hope it turns out?

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## STUDENT ASSIGNMENT #13-F: Role—*Retail Store Owner*

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**Y**ou own a small retail variety store in San Francisco, and you sell products to consumers in a working class neighborhood, including food, clothing, shoes, and small appliances. You are also a member of the Chamber of Commerce, an organization of business owners in San Francisco.

Since the Depression started, your customers have had less money to spend in your store, and sales have declined. Your profits are lower and you already had to lay off five of your ten employees. Despite these problems, the bank still expects payment on the loan you received to remodel and expand your store before the Depression began. But summer is coming, and you are hoping that sales will increase since fresh fruits and vegetables from Bay Area farmers always attracts more customers into your store. If summer sales improve, maybe you could rehire your laid off employees for the holiday shopping season in the fall—but now, this strike by the longshoreworkers could change everything.

This strike is very upsetting to you. Many products sold in your store and other stores around San Francisco are shipped in from other parts of the United States. If you can't get these products (which you have already paid for) unloaded from the ships and delivered to your store so that you can sell

them, you could go broke. You have also given many customers credit in your store, and they won't be able to pay their bills if they are on strike or laid off due to the strike. This strike is happening at a very bad time for your store, just when you were hoping that business would improve.

You hope that the strike can be settled very quickly, with help from the Mayor if necessary, since this strike is affecting your business and the economy of the entire city. Personally, you would prefer not to take sides, if you don't have to. You have no love for the waterfront employers, since their high price for unloading the products you order for your store actually increases your expenses. This, in turn, causes you to mark up your store's prices even higher to the consumers.

You also realize that if the workers can win bigger paychecks, they can buy more products in your store. Then again, you worry that if the workers succeed in winning their union contract, your own employees might get the idea that they should try the same thing with you! You are the boss of your own business, and you want it to stay that way. You just hope this whole thing will be over soon, and business will be back to usual.

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### ***STUDENT ASSIGNMENT #2:***

Now, on your own paper, write two paragraphs called an "interior monologue" to explore your thoughts and feelings in this role. Follow the guidelines, and when finished, read your thoughts aloud to your group and choose 1 or 2 monologues to introduce your group to the rest of the class.

#### ***Paragraph 1***

State your real name, and then make up the rest to realistically fit with your role, such as your age, marital status and family situation. Also, tell us about your store, and how the Depression is affecting your business and your family.

#### ***Paragraph 2***

Tell how you feel about the strike between the longshoreworkers and the waterfront employers: How is it affecting you? The city of San Francisco? What worries you about the strike? How do you hope it turns out?

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## STUDENT HANDOUT 13-G: Role—*Central Labor Council Representative*

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**Y**ou have been elected from your union local in San Francisco to represent your membership in the Central Labor Council (CLC). You can be either a carpenter, electrician, plumber, mechanic, railroad worker, teacher, shoe cutter, teamster (truck driver), nurse, garment worker, furniture maker or a member of one of San Francisco's other unions that are represented in the CLC. In addition, you hold a very interesting and important position during the longshore strike. You are a member of the Strike Investigation Committee of the CLC.

The CLC is like the coordinating committee of all the unions in San Francisco. It's sort of an alliance or federation of unions (an "umbrella" organization), and serves to keep all of the city's unions in communication with one another, especially in times like this—when one of its members, like the ILA, is on strike. The CLC is a very important organization, combining 177 local unions with a total membership of over 100,000 union workers throughout the greater San Francisco area.

The council has assigned your group the task of looking into the longshore strike and to helping the CLC to figure out how best to support it.

You will have to closely examine the issues involved, because you know that not all union people in San Francisco feel the same about the strike.

For example, because the strike has shut down the port, many workers have been laid off. No shipping means less trucking, less repair work, less construction, less shopping purchases, etc. A long strike could mean serious hardships for those workers and their families. Since work is already slow thanks to the Depression, many union people in San Francisco would like to see the strike come to a quick end.

However, union people realize that if the longshoreworkers lose the strike, their wages stay low, their hours long, and their employers will be even more powerful. This could encourage other employers in San Francisco to try to get rid of the unions they negotiate contracts with. At the very least, other employers might try to cut wages and increase hours. If the longshoreworkers lose, workers all over the city might feel demoralized and beaten down.

At this point, you feel pulled in both directions: (1) You want a quick end to the strike, but (2) you worry about what would happen if the longshoreworkers union were to lose the strike.

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### ***STUDENT ASSIGNMENT #2:***

Now, on your own paper, write two paragraphs called an "interior monologue" to explore your thoughts and feelings in this role. Follow the guidelines, and when finished, read your thoughts aloud to your group and choose 1 or 2 monologues to introduce your group to the rest of the class.

#### ***Paragraph 1***

State your real name, and then make up the rest to realistically fit with your role, such as your age, marital status and family situation. Also, tell us about your job, your position in your union and the CLC, and how the Depression is affecting your family.

#### ***Paragraph 2***

Tell how you feel about the strike between the longshoreworkers and the waterfront employers: How is it affecting you? The city of San Francisco? What worries you about the strike? How do you hope it turns out?

**STUDENT ASSIGNMENT #3: Questions Facing Your Group, .....**

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*Student Instructions: Preparation for Negotiations*

**N**ow that you and your group have read your role assignment and written your interior monologues, you will talk about these questions with your group as a way to prepare for the upcoming community meeting with Mayor Rossi. The purpose of the community meeting is for each group to present its plan for how to best solve the conflict between the longshoreworkers union (ILA) and the waterfront employers. You will have an opportunity to negotiate alliances with other groups before the meeting begins.

Start by discussing the questions first, and then each group member writes the answers below. You will need to use this paper for the negotiations with other groups that follow. (Note: Only the ILA can change any of their 4 strike demands; other social groups can try to influence, but cannot change the demands.)

1. What side do you support in the longshoreworkers strike against the waterfront employers? List your reasons. [If your group is undecided, list your reasons for that.]

2. If your group is definite about which side you are supporting, the ILA workers on strike or the waterfront business owners, what could your group offer to **give** each of the other groups in order to **get them to be more sympathetic** to your position? Be specific. [If your group is not sure about which side to support, what kinds of things would you need (or want to get ) from the other four groups, in order to make a reasonable decision? Be specific.]

- Unemployed
  
- Retail Store Owners
  
- Central Labor Council
  
- International Longshoreworkers Association
  
- Waterfront Employers

3. Answer the following:

a) Should Mayor Rossi get the National Guard into San Francisco to re-open the port, so that workers who are willing to cross the strikers' picket line can go to work? Why or why not?

b) What pressure could your group exert on the mayor, or what actions could your group take if the National Guard is brought in to re-open the port and protect persons willing to cross the strikers' picket line?

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## STUDENT ASSIGNMENT #13-H: Group Proposal to the Mayor

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Social Group Name: \_\_\_\_\_

Group Members: \_\_\_\_\_

To the Most Honorable Mayor Rossi:

1. On the question of whether or not to bring in the National Guard to re-open the port of San Francisco, we advise you to:

- bring in the guard.
- not bring in the guard.

For the following reasons:

2. Our group proposes that you take the following steps as our SOLUTION to the strike between the ILA and the Waterfront Employers. Our plan includes agreements made with other social group in San Francisco during recent negotiation sessions:

- A.
- B.
- C.
- D.
- E.

If the Guard is brought into San Francisco, our group is prepared to take the following actions:

- A.
- B.
- C.

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## STUDENT ASSIGNMENT # 4: Debriefing

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**Instructions:** Write a complete paragraph (minimum 4 sentences) on each topic below.

1. What did you learn from this role play experience that is important for your future in the workplace?
2. In your opinion, who or what could be blamed for causing the longshore strike in 1934? (Give reasons to support your answer.)
3. What group were you in and what proposals did your group make at the community meeting with Mayor Rossi? What agreements did you make with other groups during the negotiations and why did your group make these decisions?
- 4a. How did you feel about the Mayor's decisions at the community meeting to:

- 4b. What do you think motivated the Mayor's decisions?
5. What kind of power did your group have to influence the outcome of the strike? Where did your power come from? Is there anything you think your group should have done differently to have changed the outcome?

## 1934 West Coast Longshore Strike & San Francisco General Strike: The Outcome

- In May 1934, 12,000 longshoreworkers (7,000 in San Francisco) plus 40,000 maritime workers strike at every major port along the West Coast for 83 days.
- In S.F., waterfront employers, along with Mayor Rossi, co-opt the press with anti-union propaganda, secretly hire scabs, and arm police with guns, tear gas, and riot gear. Port forcibly reopened with police and National Guard.
  - Unemployed workers do not cross the picket line.
  - Violence against strikers ensues with 2 longshoremen killed and hundreds injured.
  - Unions shut down the city with a 4-day general strike.
- Afterwards, strikers agree to return to work temporarily and submit their 4 demands to a neutral, federally appointed arbitration board. All issues resolved almost entirely in favor of strikers: ILA established as workers' official bargaining agent coast wide; joint union - management controlled hiring hall; 6 hour day, 30 hour week; \$.95/hr., \$1.40 hr. overtime pay.

### *Coast Wide Strike*

On May 9, 1934 longshoreworkers in San Francisco and every major port on the West Coast walked off their jobs. They had recently dumped corrupt union officials and created a 50-member strike committee, chaired by Harry Bridges. By mid-month, the seafaring unions had joined with the ILA, striking for their own demands, and teamster truck drivers refused to transport any goods to or from the docks.

And although the owners counted on the unemployed to serve as strikebreakers, the longshoremen too realized that the unemployed were crucial to the outcome of their struggle. Months before the strike, they sent delegations to the unemployed councils to explain the issues at hand and ask for their support. One striker, Matt Mehan, described the results in Portland. "All during the strike there wasn't one of those unemployed groups, not one man that scabbed. Not one of them broke ranks, not one of them went to work on the waterfront." That same sense of solidarity was to prevail in San Francisco.

Another important group whose support was needed by the strikers was the black longshoremen, who had previously been excluded from joining the longshoremen's unions. Small interracial delegations of ILA strikers were sent down to the docks to talk with them. Soon afterwards, several black longshoremen came to the union's headquarters. "Well, we're here," they said. "Do you want us?" Two of the men were immediately asked to serve on the local ILA strike committee. By the end of the strike, over 100 black longshoreworkers had joined the union and the West Coast longshoreworkers became one of the earliest and most racially integrated unions, as well as one of strongest defenders of civil rights in the American labor movement.

Each day during the strike in San Francisco, a thousand or more workers would gather on the Embarcadero and march quietly with picket signs behind the American flag and union banners. Then on May 28, without warning, hundreds of police suddenly attacked the marchers with clubs, tear gas, and finally bullets, shooting one striker in the back.

Two days later, when several hundred high school and college students demonstrated near the ILA hall, to protest the impending fascist war in Europe, the police moved in with clubs and beat them to the ground. Sixty-five students were hospitalized with fractured skulls. Following this incident, 5000 workers and students marched in solidarity with the strikers and to protest police brutality.

On Tuesday, July 3, San Francisco's mayor and the waterfront employers used the police to reopen the port. A small group of trucks moved out of Pier 38 in the early afternoon, protected by hundreds of police

massed on foot, horseback, and in patrol cars, to deliver merchandise to a nearby warehouse. It was meant as a symbolic action by the owners to show that they were in charge of the port. The workers, however, did not see it that way. Thousands fought desperately for their dignity and rights, flinging themselves at the police. Eyewitness, Mike Quin, described it this way. "Bricks flew and clubs battered skulls. The police opened fire with revolvers and riot guns. Clouds of tear gas swept the picket lines and sent the men choking in retreat. Mounted police were dragged from their saddles and beaten to the pavement." Press reports underestimated injuries at 25, including nine policemen, because only those brought into hospitals for treatment were counted.

### ***Bloody Thursday in San Francisco***

On Thursday, July 5, the owners attempted to open the port again. Police launched tear gas grenades into a line of 4000 picketers and the fighting resumed even more fiercely than before. This time they were armed with extra long and heavy riot batons and canisters of nausea gas. Near Pier 30, between 2000 - 3000 workers watched tensely as a locomotive attempted to move two railroad boxcars. When police ordered the crowd to move back, strikers began pelting the police with rocks and bricks. Another group rushed forward and set the two boxcars on fire. When fire trucks arrived, the police turned the high-pressure hoses on the crowd, then advanced into the broken ranks and clubbed the picketers back across the Embarcadero on to Pacific Avenue.

Similar fights between the police and the strikers broke out all day at various places along the waterfront. By late afternoon, newspapers published the statistics for what had become known as "Bloody Thursday": two strikers, Nick Bordoise and Howard Sperry dead; 30 gunshot wounds; and 43 clubbed, gassed or hit by projectiles. Even after a huge funeral procession numbering 25,000 was held for the murdered strikers, California Governor Meriam stationed 4600 National Guardsmen along the waterfront.

### ***General Strike in San Francisco***

In response to the employers' and government violence against the striking workers, the San Francisco Central Labor Council organized a general strike. First to walk out were the Amalgamated Streetcar Workers who suggested that the entire streetcar system be taken over and run by workers as a "mass transportation system for working people." At the height of San Francisco's General Strike, 130,000 workers had walked off their jobs. For four days, workshops and factories were quiet, merchandise stayed piled on the docks, and only 19 restaurants and medical facilities were allowed to remain open.

The mayor declared a state of emergency and granted himself dictatorial powers as newspapers wrongly insisted that the city was being run by "subversive elements" who were "bred in Moscow." Some 500 new police were sworn in and arrested hundreds of people on a variety of phony charges.

By the fourth day, in a close vote and over the objections of the longshoremen, maritime, and other unions, the strike committee, composed of the most conservative local unions, called off the general strike. At the same time, unable to break the longshore strike and also faced with a general strike threat in Portland, the owners gave up! They offered to submit all issues to arbitration with President Roosevelt's National Longshoremen's Board. On July 31, the west coast longshoremen agreed to return to work temporarily pending the arbitration and a final decision. On October 12, the Board handed down the following decision that: the ILA be made sole bargaining agent for the longshoreworkers; hiring halls be jointly maintained by union and management (with the important decision of dispatcher left solely to the union); a 6 hour work day, 30 hour week be implemented; and \$.95/hr. wage and \$1.40/hr. overtime be paid.

The longshoreworkers' achievement helped shatter the myth that employers would always win. The strike also had an enormous impact on government policy during the depression and was crucial in creating the movement for a "New Deal." Other unions realized the vast power of an active rank and file in alliance with the larger working-class community. Born out of a struggle in which participants learned to care for and trust one another, the union's official slogan became, "an injury to one is an injury to all."

—Taken from the work of Fred Glass, Bill Bigelow and Kevin Starr. Adapted by Patty Litwin.



## Dockworkers Stand up to Racism, Repression, and Corporate Globalization—and Win!

For nearly two years, the most crucial fight in the U.S. labor movement has been the struggle to defend the “Charleston Five”—members of the International Longshoremen’s Association (ILA) who faced felony charges after police attacked their picket line in January 2000. In November 2001, the Five were finally set free.

At a time when crackdowns on political dissent are sweeping the country, this was a triumph for freedom of speech and freedom of assembly. The victory came because of an international defense campaign, a massive outpouring of solidarity from labor and civil rights activists, and—perhaps most important—the threat of job actions by dockworkers around the world.

“I think the struggle in Charleston has brought to the table a multitude of issues—racism, having a voice at work, and civil rights in general,” Leonard Riley, a member of ILA Local 1422’s executive board, told reporters last summer. “These issues are very compelling when people all over the world look at them and see that they’re the same ones that they face.” (Local 1422 represents four of the five workers charged.)

The saga began in October 1999, when the Danish shipping firm Nordana Lines ended its 23-year relationship with the ILA and began using non-union labor on the Charleston, South Carolina, docks. According to Local 1422 President Kenneth Riley (Leonard’s brother), union members responded with peaceful picketing, which briefly delayed work on two Nordana ships.

On January 20, 2000, as one of Nordana’s ships was docking, 600 riot-clad local and state police officers were on hand. When about 130 workers began marching toward the dock to exercise their right to picket, police initiated a clash by pushing the picketers back and shouting racist

slurs, Kenneth Riley says. When that happened, he and other officers of Local 1422 “created a buffer between the police and the pickets,” according to the Campaign for Workers’ Rights in South Carolina. At that point, the Campaign reported, one police officer “ran out of formation and clubbed Kenneth Riley in the head. A fight ensued.” The police attacked the workers with rubber bullets, tear gas, smoke grenades, and nightsticks. About a dozen workers were arrested and charged with trespassing.

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The crackdown was directed by state Attorney General Charlie Condon, an ambitious Republican who wants to be the next governor. Condon ordered the massive police presence under the auspices of South Carolina’s anti-union “right to work” law, after the State Ports Authority requested protection for a non-union operation on the docks. After a local judge dismissed the trespassing charges, Condon got a grand jury to indict five workers on federal charges of “rioting” and “conspiracy to riot.” For nearly 20 months, the Charleston

Five—Kenneth Jefferson, Elijah Ford, Jr., Peter Washington, Jr., Ricky Simmons, and Jason Edgerton—remained under house arrest. They were forbidden to leave their homes between 7 p.m. and 7 a.m. except to go to work or attend union meetings.

Another 27 workers faced a \$1.5 million lawsuit filed by WSI, the company that ran the scab operation for Nordana. WSI sued to recover “lost profits” that it claimed the ILA picketers had caused.

The assault was aimed not only at labor rights but at civil rights too. ILA members in Charleston are overwhelmingly black, and Local 1422 played a key role in a 40,000-strong march on the statehouse in Charleston—held just three days before the police riot—to demand that the Confederate flag be taken down. Condon’s vengeful actions suggest that he was hoping to ride a racist backlash into the governor’s mansion.

At the same time, politicians were acting on behalf of giant multinational corporations—including Honda, Michelin, General Electric, and DuPont—that have poured investment into South Carolina in recent years. During the 1990s, the number of factories in the state has doubled. Companies have been attracted by wages that are 20% below the national average, and by low unionization rates. (South Carolina has the second-lowest percentage of unionized workers in the country, after North Carolina.)

In a low-wage state whose population is nearly 30% African-American, racist and anti-labor public officials were threatened by the fighting example of a virtually all-black union of well-paid workers. They figured that, if they could break

From Dollars and Sense,  
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a strong union like Local 1422, they could send a powerful message: that unions everywhere would be destroyed if they stepped out of line.

In the wake of the attack, organizers launched a worldwide effort to win justice for the Charleston Five. Locals and individual members of the International Longshore and Warehouse Union (ILWU), which represents West Coast dockworkers, raised hundreds of thousands of dollars for the defense campaign, and pledged to shut down the docks from San Diego to Seattle if the case went to trial. Other unions have raised money, organized defense committees, circulated petitions demanding justice, and helped to coordinate a speaking tour of ILA members to raise awareness of the case.

The struggle also had the support of the International Transport Workers Federation, which links dockworkers' unions around the world. Just days after the police riot, dockworkers in Spain and Australia refused to work

Nordana's ships unless the company signed a union contract with Local 1422. That international solidarity helped pressure Nordana to sign.

In October 2001, Charlie Condon—faced with associations of gross prosecutorial misconduct by defense attorneys—was forced to remove himself from the case. Soon after, the Five were freed from house arrest. Their trial was set to begin on November 14, and their supporters were planning an International Day of Action for that date. By early November with the Day of Action looming, the prosecution agreed to drop all felony charges when the Five pleaded "no contest" (which is not an admission of guilt) to minor misdemeanor charges, and paid a token fine of \$100 each.

The struggle for justice in Charleston is not over. The WSI lawsuit is still pending, although the case has been seriously weakened by the resolution of felony charges. In addition, the police who violently attacked unionists for exercising their

basic right to picket have faced no repercussions or criminal charges. Finally, there is no compensation for the five men who lost 20 months of liberty as punishment for a crime they did not commit.

Still, in today's climate of racism and repression, the Charleston Five victory is nothing short of remarkable. If it inspires other workers to organize—especially in the South—that will be cause for celebration too. Most important, it shows that joining together stand up for our beliefs is the best way to defend our rights to speak, assemble, and express dissent. Today, these rights are seriously threatened. The only way to keep them is to use them. □

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*Derek Wright is a member of United Faculty and Academic Staff (American Federation of Teachers Local 223) and the International Socialist Organization in Madison, Wisconsin.*

**From Dollars and Sense,  
January/February 2002**

### ***Questions:***

1. Describe the labor dispute between ILA Local 1442 and the Nordana Company, as well as the events of January 20, 2002, that led to the house arrest of the "Charleston Five" for almost 2 years.
2. What felony charges did the South Carolina State Attorney press against the five ILA members? Why is WSI suing an additional 27 longshore workers?
3. Besides the ILA members and the Nordana Shipping Company, what other individuals or groups have "interests" in these issues? Why?
4. Why did the South Carolina prosecutors eventually drop all the felony criminal charges against the Charleston Five ILA members? What civil issues are pending litigation?

L e s s o n f o u r



Case Study: A NLRB Union

Representation Election

a) at Get-Well Community Hospital, Inc.

b) at the McDonna's Fast Food Restaurants



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## TEACHER'S INSTRUCTIONS: NLRB Union Representation Election

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### *Scenario A: Get-Well Community Hospital, Inc.*

By Linda Tubach in collaboration with Bob McCloskey, Business Representative for Service Employees International Union Local 535, American Federation of Nurses.

#### *Objectives*

Students will learn about the National Labor Relations Act of 1935, the federal law giving workers the legal right to organize collectively into unions without interference from business, by participating in a simulated union representation election. By the end of this simulation, students will be able to:

1. understand both the law and the process involved with organizing a union at a job site.
2. learn about the function and benefits of a unionized workplace for both workers and management. Students will also learn about why management might resist a union workplace and obstacles workers may face from management when they attempt to organize collectively.
3. connect workers struggles at an individual work site to current globalization trends such as downsizing, relocation, etc.

#### *Time*

4-5 Class Periods

#### *Procedure*

##### *Day 1*

1. Complete **Student Reading #1 A Union Representation Election At The Get-Well Community Hospital** as a whole class reading to introduce the simulation and scenario with students.
2. Students will be assigned to one of 4 roles: management; union organizers; government officials; or workers. Have students volunteer for the first three roles:

**Get-Well Hospital Management**      **3 students**

**Hospital Employees**

**Union Organizers**      **3 students**

(\*Note: In a small class, use 2 students for union and management teams, and one for NLRB)

**National Labor  
Relations Board**

**2 students**

Seat these three groups separate from one another. Next, the rest of the class will be divided into 7 different departments of **Get-Well Community Hospital Workers**. Randomly number these students into groups 1-7, and identify them with signs as follows: (\*Note: In a small class, delete pharmacy and physical therapy.)

**Department 1 Radiology (X-Ray)**

**Department 2 Dietary**

**Department 3 Nursing**

**Department 4 Housekeeping**

**Department 5 Pharmacy**

**Department 6 Physical Therapy**

**Department 7 Laboratory**

3. Now distribute **Student Readings #2A - #2D, Role Assignments** to the four groups.

Be sure to make clear to the students that the workers are the largest and most important group who will make the actual decision in this simulation. Also tell them that everyone in the class will have an opportunity to participate in the town hall meeting which begins tomorrow. In addition, clarify that their grade will be based upon full participation in the simulation decision-making process—attendance, two writing assignments, and oral participation. (Since this project represents a unit of instruction, we make it worth a test grade.)

Begin role preparation today and finish tomorrow in class, to ensure maximum participation. (However encourage the management and union teams to finish their assignment for homework, so that they can use prep time tomorrow for strategizing with you as their coach.)

### ***Role Assignment Instructions***

- **For management, union organizers and NLRB officials:** Students should read aloud their role assignment handout within their small group, taking turns on each paragraph. After this, students should discuss the presentation their team will be making to the workers at the upcoming meeting. They should divide up the presentation among all the team members and start their essay assignment or “opening statement” accordingly. (Note that paragraph 2 of the union and management can be divided into three parts.) Finish for homework if possible.
- **For workers:** Each “department” should read their role assignment handout aloud together. Ask them to stop when they reach the Student Assignment section, and read this aloud as a whole class to check for understanding. Each student should then proceed to write their essay individually. If time allows, they should then read their essays aloud to one another in their group and choose one that they would like to represent their department when the community meeting begins. Finish in class tomorrow.

4. **At the end of the period,** inconspicuously choose one or two students to act **secretly** as anti-union, pro-company workers, who will argue openly against joining a union at the meeting. (You can tell them that the National Medical Corporation’s Board of Directors will reward them if they succeed.) This role will help to ensure a more genuine debate and discussion of the issues.

#### ***Day 2***

1. Students immediately meet with their teams to **finish preparing** for the community meeting, which will begin in 30 minutes. You need to leave enough time, at least 15 minutes to **start the meeting** (and start building the momentum) at the end of the class period, which will culminate tomorrow. Before beginning the meeting, each small group of workers (the “departments”) should read their preparation essays aloud to one another, and then choose a student to introduce their “department” at the meeting.
2. **Town Hall Meeting.** You will act as a moderator for the community meeting. Open the meeting with a statement explaining the purpose of the meeting: *for the workers to listen to presentations from both management and union and ask questions and make comments, before they vote in a union representation election.* The workers will then introduce their respective departments by reading the first 2 paragraphs of their preparation assignment (Hold the questions in paragraph 3).
3. If there is time, the workers will be followed by the NLRB who will explain their functions as well as their role in the upcoming election. They will be followed by the union and management teams, respectively, or hold this until tomorrow when you continue the meeting.

#### ***Day 3***

1. Resume the town hall meeting today as the moderator with a short summary of the conflicting views presented by the workers, followed by the **union team’s opening statements (our out-of-town guests go first), and then management’s opening statements.** Explain that they will not debate directly, but indirectly when they each respond to the concerns of the workers.
2. At the end of the union and management presentations the workers should be given at least 30 minutes to ask questions and make statements to which the union and management teams will respond. You will want to hear from as many workers as possible, so make a list of speakers on the blackboard. Before each worker asks a question or makes a comment, ask her or him to introduce her/himself by reading paragraphs 1 and 2 of their preparation assignment to the class (if they did not introduce themselves earlier). Allow both the union and management teams to respond to each worker’s statement/questions.
3. Conclude the meeting about 15 minutes before the end of the class period, to allow time for **voting.** (If there is time, the union and management teams can make closing remarks). The NLRB explains the rules and then conducts the election. Only workers can cast votes; NLRB officials count the votes and report the results to the class. If possible, start “debriefing” the union and management teams right away while the workers are voting—ask them to step outside of their roles, predict the outcome, and try to make sure they don’t take the election results too personally!

*Day 4*

**1. Debriefing.** The purpose of the debriefing is to analyze the students' experiences in the simulation, and connect this to new information about the actual historical case. The direct experience created by the simulation will allow students to bring a more informed perspective to their understanding of the issues.

*Start with the following questions:*

- What important ideas did they learn from this simulation about unions, about management, and about the relationship between these two groups in the workplace. About the role of the government in business and labor relations?
- What obstacles do real workers face who try to form unions, even though the law gives workers the right to organize?
- Ask the students who role played workers how they feel about the election results. Why did they vote the way they did? What arguments were the most convincing?
- Ask the students who role played management and the union how they feel about the outcome of the election. What do they think was responsible for the outcome of the vote?
- Ask students if they were aware of the role of the "company spy" in the meeting? How effectively did this person affect the outcome? (Tell students that planting a company spy is a strategy sometimes used by management to defeat the union.)
- How do they think the actual case that this simulation was based on turned out? How do they think the actual workers voted? If students don't think the real workers united and joined the union, ask them why not? Where do their negative assumptions about human nature come from? How do these assumptions affect their ability to be a change agent? Who benefits? Who loses?

2. Distribute **Student Reading #3:** the 10-19-98 LA Times story of the actual case "**Seeking More Pay, Encino Hospital Nurses Join Union**", and read together as a whole class. Students should be made aware that the simulation was artificial because in reality, workers would not have the opportunity to hear both sides make a presentation and then vote. Management actually has a "captive" audience at the worksite for their point of view; the union must organize with volunteers off-site.
3. Optional: Complete the following graphic organizer with students on the blackboard or overhead projector as a way to prepare for the last **Student Assignment #2: Debriefing Essay:**

	What were their goals?	Were goals achieved? <i>Why or why not?</i>	Results or consequences?
Management/Owner			
Workers/Union			
NLRB			

4. **Student Assignment #2: Debriefing Essay.** This is a culminating activity that students can either complete as a homework assignment, or a class assignment on Day 5, if you have time. Have students write a four paragraph essay as follows, incorporating ideas from Day 4 debriefing discussion and reading of the actual case.

*There were three economic groups interacting in our simulation: workers represented by the union; owners, represented by management; and the government, represented by the NLRB.*

*In three paragraphs, describe the goals of each group and evaluate (in your own opinion) whether they succeeded. Why or why not?*

*In the fourth paragraph, tell what you learned from this simulation. About unions, about management, and about the relationship between these two groups in the workplace. About the role of the government in business and labor relations? What obstacles do workers face who try to form unions, even though the law gives workers the right to organize? Lastly, what new ideas and information can you take from this learning experience to use at work, either as a worker or manager, in the future?*

5. Follow-up reading and discussion: Use Kate Bronfenbrenner's article in the December 2000 *Multinational Monitor*, "Raw Power: Plant Closing Threats and the Threat to Union Organizing" as teacher background reading, for a comprehensive treatment of the obstacles unions face in organizing today in the U.S. Use excerpt "**The Wide World of Anti Union Tactics**" as supplementary **Student Reading #4**.

Follow-up movie: rent "Bread and Roses" (2000) for a dramatization of the recent janitor's union organizing campaigns in Los Angeles. (110 min.)



**H**ow do people organize a union at their place of work? In the U.S. today, less than 14 percent of workers are represented by a union at their place of work, down from a high of 40 percent after World War II. In order for a union to exist at a workplace, the workers must organize it themselves. Usually the process begins in one of two ways. Workers can either contact a union and ask the union to help them organize, or a union may decide to try and organize employees in a particular workplace. The **NLRA (National Labor Relations Act)**, also called the Wagner Act, was demanded by workers during the Great Depression and enacted by Congress in 1935. This federal law gives employees the right to elect whether or not they want a particular union to represent them and to participate in a union without interference from the employer. Employers are also required to bargain with the union, if elected by the workers.

The **NLRB (National Labor Relations Board)**, created by the Wagner Act, is responsible for supervising union representation elections at a workplace when at least 30% of the employees have signed union "authorization cards". These cards give the workers' approval for the union to bargain a contract, or "collective bargaining agreement", for all of the workers as their official representative. The NLRB also conducts hearings when workers complain that an employer has discriminated against them for participating in a union, and if the NLRB decides in favor of the workers, penalties are levied against the employer.

***Roleplay Scenario: The Situation at the Get-Well Community Hospital, Inc.***

Several attempts to organize a union at the Get-Well Community Hospital, Inc., were unsuccessful in the past. The community hospital is privately owned by a for-profit health care company called the National Medical Corporation. NMC owns 350 hospitals nationwide, and is the second largest for-profit hospital corporation in the U.S. The Hospital Employees International Union has sent its organizers to your community just outside of Los Angeles, in Alhambra, California. The hospital has 150 beds and 1,000 employees on all three shifts.

In this simulation, your class will become the Get-Well Community Hospital and will participate in a union representation election. All of you will be involved in this controversy and will decide the major question: Should the workers at the Get-Well Community Hospital vote in favor of joining the Hospital Employees International Union?

At this point in the simulation, over 30% of the workers at the hospital have already signed union authorization cards. Although the National Medical Corporation could recognize and bargain a contract with the union desired by their workers without an election being held, they have chosen not to. The NMC Board of Directors prefers to wait on the outcome of the NLRB's union representation election.

Your class will be divided into the following groups: Get-Well Hospital Management, Hospital Union Organizers, NLRB officials, and the hospital workers who will be members of one of the following departments:

- |                                   |                                  |
|-----------------------------------|----------------------------------|
| #1 — Radiology (X-ray) Department | #5 — Pharmacy Department         |
| #2 — Dietary Department           | #6 — Physical Therapy Department |
| #3 — Nursing Department           | #7 — Laboratory Department       |
| #4 — Housekeeping Department      |                                  |

Soon you will be assigned a role describing the situation at the hospital in more detail. At a community meeting to be held at a local church, everyone will be given the opportunity to speak, and after a thorough examination of the issues, the workers will vote in a union representation election conducted by the National Labor Relations Board. The meeting will begin with the NLRB officials who will explain the law, followed by the union organizers and the management presenting their respective views to the workers. After this, workers will be able to respond with their questions, comments, and opinions. The meeting will culminate with the workers' secret ballot vote.

I want the Hospital Employees International Union to represent me in bargaining with the management of Get-Well Community Hospital.

S

Yes

No

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## STUDENT READING #1: Vocabulary You Will Need to Know for This Simulation

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Page 2 of 2

- 1. Management:** Workers who supervise, discipline other workers, organize the work process, and represent the owner (employer) in a workplace.
- 2. Union:** A labor organization organized collectively by workers in order to deal with the power of their employer and their management.
- 3. Union Contract:** The written agreement between the organized workers and their employer (represented by the management) on all issues agreed upon by the two parties through the collective bargaining process. If broken, a contract is enforced through its own "grievance procedure," which ends with a binding decision by a neutral "arbitrator" who serves as a judge.
- 4. Union Representation election:** A secret ballot election held in the workplace, in which employees vote to decide whether they want a particular union to represent their interests in negotiations with employers.
- 5. Arbitration:** A method unions use to settle a dispute with management, such as a violation of the union contract, by having a neutral third party (an arbitrator) hold a hearing, take testimony from both sides, and decide an award. The union and management choose a professional arbitrator from an organization such as the National Academy of Arbitrators; they share the cost of the arbitrator's services, and they both agree to abide by the arbitrator's decision.

**Y**ou live just outside of Los Angeles in the small city of Alhambra, California. You are one of 1000 employees, who work on 1 of the 3 round-the-clock shifts at the Get-Well Community Hospital, Inc., one of the largest employers in the community. Your job is to provide quality health care services to local residents and patients in your 150-bed hospital.

### ***Wages***

You have been working at Get-Well Community Hospital, Inc. for several years. You are very committed to your work in the hospital, giving patients the best care possible. Maybe you're married with a growing family, maybe you support your aging parents, but you are the *primary* support of your family. Unfortunately, your paycheck doesn't go as far as it used to, to buy the things you need for your family. Your wages just don't seem to be keeping up with the cost of living in the Los Angeles area. Your landlord just raised the rent, electricity is going up, and if you were to lose your job, your family could not make ends meet.

Wages at the hospital vary, according to your job classification and skills. At the low end, ward clerks, nurses' aides in the nursing department, dietary workers, and housekeepers, who have 6 months to 2 years of experience, earn from \$8 - \$10 an hour. Workers with 4-year bachelor's degrees— such as nurses, physical therapists, pharmacists, lab and X-ray technicians — earn \$15 - \$23 an hour. By comparison, you've heard that ward clerks earn \$15/hour and nurses earn \$30/hour in unionized hospitals in bigger cities. Although you've thought of leaving Get-Well once or twice, you really need to stay in the Alhambra community because of certain family commitments. You would also have trouble finding another hospital job in your community if you decided to quit, since there's only one other hospital in the area, and it's smaller than Get-Well.

### ***Working Conditions***

You are very concerned about the increasing workloads in all of the departments at the hospital. Although the staff is very dedicated, morale is low. Workers complain that with more work, they are unable to give patients enough time for the high quality care they deserve. For some, bigger workloads mean the number of patients you are responsible for on your shift; for others, it's more cleaning, more meals to prepare, more prescriptions to fill, more lab tests to analyze; etc. Staffing ratios for nurses are 1:10, that's one nurse for every 10 patients.

Workers are reporting more injuries from lifting more patients, more chemical spills from cleaning agents, more disease-causing airborne pathogens, such as tuberculosis, and more needle sticks (getting poked by a needle you have just used to inject a patient) that could expose you to HIV or hepatitis. Workers on night shifts are concerned about safety and security. Late one night last month, a worker was assaulted in the parking lot. You also feel that seniority (not favoritism) should count for shift assignments and vacation schedules, and working on holidays. And how about overtime pay for working holidays?

### ***The Hospital Employees Union***

Over the past few months, union organizers from the Hospital Employees Union (HEU) in Los Angeles have come to Get-Well Hospital to convince the workers to vote for the union, in the upcoming NLRB union representation election. The organizers say that, with a union, the workers can get the NMC to raise wages and improve working conditions. Some of your friends have gone to union *house meetings* after work, and the organizers have talked with them about HEU's accomplishments at other hospitals.

On the other hand, you are not sure that you can trust the union people any more than you can trust your hospital management. Most workers in your community do not belong to unions. Your nephew says that unions are just out for themselves, take your dues money every month, and you never really get that much back. You are also afraid that you might be harassed or even fired if you go to one of the union meetings. In fact, a well-known nurse involved in the union organizing campaign was just fired for a medication error that the doctor ordered and the pharmacy dispensed. Although she is taking her case to the National Labor Relations Board (NLRB) as discrimination for her union activities, it may take more than 2 years of hearings and appeals to get her job back, *if* she wins.

Like all workers at Get-Well, you go to mandatory meetings, called "one-on-ones" with your supervisors, on work-time, where they tell you about the negative side of unions – like strikes, and the dues you have to pay monthly. It's hard to imagine going on strike— that means *no* pay, and how could you afford that? The supervisors have asked everyone whether they support the union or not, and you tell them the truth—you haven't made your mind up, one way or another.

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## STUDENT READING #2-A: Role Assignment—*Worker at Get-Well Community Hospital*

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On the positive side, the hospital just gave everyone a 4% wage increase and is improving staff relations with a new “conflict resolution procedure.” They have also created some new “partnership” committees of management and workers, that are meeting to discuss health and safety and staffing. At

least some good things have come out of this whole situation. You are anxious to hear what management and union have to say at the community meeting, before you and the other Get-Well workers vote in the NLRB union representation election coming up soon.

### *Student Assignment #1:*

It is now time to prepare for the meeting that will precede the NLRB vote. The assignment is called an **interior monologue** and should help you to think more deeply about your role. Consider this a rough draft, with 4 brief, but detailed paragraphs, in essay form. Each paragraph should contain a minimum of 5-8 sentences, and the following details for full credit:

#### *Paragraph 1*

Introduce yourself. Give your real name, but you can make up the rest from the perspective of a hospital worker (check your department for your job category—this should also shape your point of view), such as your age, marital status (single, married), family situation, education, etc. Discuss your job at Get-Well -- what you do, work conditions, etc. What is important about your job? How do you provide quality care for patients? Also, explain some of the specific problems you experience in your department.

#### *Paragraph 2*

Try to keep an open mind before the community meeting, and explore both sides of the union issue. What do you feel you might gain by voting for the union? What might you lose? Provide descriptions, feelings, and examples. Also discuss your opinions about management—positives and negatives with details .

#### *Paragraph 3*

Finally, develop two questions that you can ask the management and two questions for the union organizers at the meeting.

Complete only the first three paragraphs before the meeting. After everyone in your group finishes, you will do a read-around with your group, with each person reading his or her own essay aloud, and then choose one to represent your group in the **introductions** that will take place at the beginning of the meeting. The NLRB, union organizers, and management will then make their presentations to you and the other workers. After this, the major portion of the meeting will be turned over to the workers’ questions and comments. Everyone will have an opportunity to speak. After the meeting is over, you will be given time to write your last paragraph in class.

#### *Paragraph 4*

Write 4-6 sentences to explain your decision on how to vote. Begin with the sentence, “I voted (yes or no) on whether the Hospital Employees Union should represent the workers at the Get-Well Community Hospital because....” What factors influenced you to vote the way you did?

**Y**ou are a group of hospital administrators, who are in upper-level management at the Get-Well Community Hospital, Inc., in Alhambra, California. One of you is the Corporate Financial Officer (CFO), another is Director of Human Resources (personnel), and the third member of your team is the Chief Attorney at the hospital. Your group has been asked by the owners of the National Medical Corporation (NMC), Get-Well's parent company, to speak at a community meeting which will precede a National Labor Relations Board union representation election. Naturally, it will be your job to try and convince the workers at Get-Well **not** to join the Hospital Employees Union.

You are proud of the fact that your hospital is part of the second largest for-profit hospital chain, with 350 hospitals nationwide. Get-Well is one of the biggest employers in Alhambra, with 1000 full-time workers on three round-the-clock shifts. Your hospital is one of only two in the entire community (the only one with an emergency room), and without it, you realize the disastrous impact this could have for the area's residents, who depend on you for quality medical care. Now, union organizers are coming from nearby to try and organize your workers. What do they know about life in your community? In your opinion, these unions are just plain greedy and out for the dues they can get out of their members, which go mostly for their own fat salaries!

Furthermore, Get-Well Hospital has always enjoyed a direct relationship between its managers and workers - if someone has a problem, he or she can go right to their immediate supervisor for assistance. With a union on-site, everything becomes much more complicated, with workers writing up "grievances" when they have complaints and you having to deal with union representatives, elected by the workers, in grievance meetings.

And, as if this were not enough, management would also be spending months negotiating a contract with the union over wages and working conditions - possibly every two to three years! Imagine having to add contract negotiations to your already full plate of job responsibilities!

And, of course, where there are unions, there are strikes. Perhaps unions are fine for other industries, but the effect of a strike at a hospital could be potentially life threatening. What would happen if striking nurses walk out of operating or emergency rooms? If pharmacists aren't there to dispense medications to patients recovering from surgery? Or having to deal with cleaning the patient's rooms and those huge amounts of laundry, without the

housekeeping staff? A protracted strike might indeed force the NMC to close your hospital, if it no longer becomes cost effective and profitable for the stockholders. It would be a terrible thing for the union to win at Get-Well, only to force the hospital to close its doors and go out of business, because of strikes and the costly demands that unions make!

### *Wages*

The union is making demands which you feel the corporation cannot satisfy. They are telling your workers that you do not pay them enough. But they are erroneously comparing the \$8 - \$23 an hour that you pay your workers, to the \$15 - \$30 per hour paid to L.A. County hospital workers with a union. County hospitals are owned by the government and don't have stockholders to satisfy like you do as a corporation. You walk a tight-rope, balancing costs like wages and new technology, against stockholder's demands for higher dividends. And for those who complain about those high dividends - if the stockholders don't invest in NMC, you don't have a hospital. It's that simple. You pay your workers as much as you can, and you have just raised wages 4% for all employees. You will also continue to have annual work performance reviews for individual merit raises. How much more generous can you be?

### *Profits and Competition*

First of all, as a *for-profit* hospital, you feel that NMC has nothing to be ashamed about - after all, everyone knows that the opportunity for profits in the American economy is what drives innovation and progress in every business and industry. However, profits in the hospital industry have been declining, and last quarter, NMC netted only \$228 million profit, or \$.06 cents for every dollar's worth of patient services provided. This is because health care is expensive, with wages as your biggest cost. If you pay the workers more, you will have to charge more for hospital services, and this makes the company less competitive in the marketplace. In order to keep Get-Well's doors open, it *may* decide to "downsize" the staff through layoffs and reduced benefits. It could also decide to "contract out" certain services to outside companies, such as food preparation and laundry, in order to save additional funds. This, too, would entail staff reductions, but you are hoping that it won't get down to that.

In addition, NMC has purchased many hospitals in Southern California in the last decade, to gain the competitive edge in the hospital industry. But financing the company's expansion has been costly,

and the corporation has accumulated billions of dollars in long-term debt that must be repaid to their lenders. Debts, declining profits, the threat of a union at your door, it's no wonder you haven't been sleeping well at night!

***Management's "Action Plan"***

You are concerned that the Hospital Employees Union organizers are misleading Get-Well workers about hospital violations of government health and safety standards. They talk about workers getting hurt on the job, not enough safety training or equipment, etc. But they don't know what it takes to *run* a hospital, and in fact, management has been planning changes that should make significant improvements in these areas and, at the same time, steal the union's thunder (don't unions operate by exaggerating problems and frustrating workers right into voting for them?)!

Management has just announced the creation of a new **Total Quality Partnership**, composed of various joint management-staff committees to deal with specific problems on-site, and make proposals for change. For example, there will be a **Partnership Health and Safety Committee**, whose first mandate will be to pilot an experimental program with the nursing department, using new

*retractable* needles. (Retractable needles have a little cover that slips over the needle, as it is being retracted from the patient.) This prevents accidental *needle sticks* of the staff, which can spread blood borne diseases. **A Partnership Staffing Committee** will also be established to implement a new policy called *staffing by acuity* (or severity of illness). In other words, the sicker the patient, the more staff will be assigned to the ward. Finally, you have already started an internal **Conflict Resolution Procedure**, to deal with problems between supervisors and staff.

These are changes that have been successful in other places, why not here at Get-Well? And you like the partnership concept because it gives workers a *voice*, without the interference of a union! Recently, NMC's Chief Executive Officer (CEO) Robert Holmes, announced to stockholders that NMC is recognized as an industrial leader for its **Ethics and Compliance Programs**. At the annual shareholder's meeting, he said, "We are known for the quality and the integrity of the care we provide to our patients." Personally, you believe that a lot of the problems at Get-Well are caused by poor communication between management and staff, and that the Total Quality Partnership will go a long way toward addressing problems.

***Student Assignment #1***

It is now time to prepare the opening presentation you will be making to the workers - in writing. The assignment is called an **interior monologue**, and should help you to think more deeply about your role. Consider this a rough draft, and write in essay form. Each paragraph should contain a minimum of 5-8 sentences, and the following details for full credit.

***Paragraph 1***

Introduce yourself. Give your real name, but you can make up the rest from the perspective of your role, such as your age, marital status (married, single), children, etc. Also talk about your job - tell them about what you do, and why you think your work is important.

***Paragraph 2***

Start with the problems that might result, in your relationships with workers if the union is elected to represent them. Explain the possible financial consequences of a union to NMC Corporation and to Get Well Hospital, and why unions are not a good idea for hospitals. Discuss the action plan which management has in progress, that you believe makes a union unnecessary.

Complete only the first 2 paragraphs before the meeting. Then divide the themes in paragraph 2 among your team for your opening statements at the meeting. Do Paragraph 3 after the meeting is over.

***Paragraph 3***

Analyze the results of the NLRB union representation election. What factors influenced the outcome? How will the outcome change things at the hospital - for workers, management, stockholders, patients? How do you feel about the role you played in determining the outcome? Would you have felt differently if you were a worker? Explain.

**Y**ou are a proud of your job as a union organizer and staff representative for the Hospital Employees Union (HEU), an AFL-CIO affiliate, in Los Angeles, California. After a tough union campaign at the hospital where you worked as a nurse (or a lab technician), you were “laid off”, but HEU offered you a job working for the union. **(A union is an organization of workers who join together to deal with the power of their employer as a group.)**

You’ve been here in Alhambra since last fall, because some workers at the Get-Well Community Hospital called your HEU office to help them organize a union. If the workers win the upcoming NLRB union representation election, with a simple majority vote of 50% plus 1, HEU will become the worker’s certified bargaining agent at Get-Well Community Hospital, Inc. (At which point, you and the other organizers will leave, and the workers will elect their own rank-and-file representatives to bargain a union contract for all the workers at the hospital.)

You think the workers have a good chance at winning, because you know all about *for-profit* hospital chains like the NMC. Last year, HEU was involved in a similar organizing campaign at an NMC facility in the San Fernando Valley where the workers won, but it wasn’t easy. **NMC** is the **second largest for-profit chain** in the nation and has become this big by buying small non-union community hospitals with financial problems. They hold costs down by under-staffing, longer shifts with mandatory overtime, and cutting department’s budgets to the bone. By squeezing workers and minimizing patient services, NMC has been very successful, paying high dividends to its stockholders.

Not surprisingly, NMC has taken a tough stand in trying to keep unions out of their hospitals. Like many companies, they hire anti-union consulting firms. In the San Fernando Valley, NMC used **anti-union tactics** such as: promoting union activists out of their units or firing them, threatening to downsize or close facilities, holding supervisor “one-on-one” meetings regularly with workers, making promises of improvements, and unexpectedly raising wages. Here at Get-Well Hospital, management just gave all employees a 4 percent across-the-board wage increase last month.

### ***Working Conditions at Get-Well Community Hospital***

You believe that the workers at Get-Well are being mistreated, and that the union could protect their rights and interests. You’ve heard many complaints that working conditions are worsening. There are increasing workloads— for some, it’s the number of patients they are responsible for on their shifts, for others, it’s more cleaning, more meals to prepare,

more lab tests, etc. And workers know that inadequate staffing in their departments has hurt the quality of service they provide to the patients. At Get-Well, the staffing ratios for nurses are 1:10, or 1 nurse for every 10 patients. What about the nurses in the *emergency room* with patients who are critically ill, where the situation could worsen at any moment? - pretty scary! Workers worry about getting more back and shoulder injuries from lifting more patients, chemical spills from cleaning agents, disease-causing airborne pathogens such as tuberculosis, blood spills and needle sticks that could expose them to HIV or a fatal form of hepatitis, and safety and security on the night shifts. They also feel that their seniority should count, when it comes to shift assignments and vacation schedules, and that they deserve more paid holidays and double-time when they are scheduled to work on holidays.

### ***Wages***

In addition, wages at Get-Well are substandard for the hospital industry in Southern California; in fact they are among the lowest in the region for both skilled and “semi-skilled” job categories. At HEU’s union hospitals, wages range from \$15 an hour for ward clerks to \$30 an hour for registered nurses. By comparison, wages at Get-Well start at \$8 hourly for housekeepers and dietary workers, and average \$15 - \$23 hourly for skilled nurses and x-ray technologists. The 4 percent wage increase that Get-Well management gave to the employees last month does little to close this gap; it’s just a tactic to undermine the union campaign.

You know that NMC, as a very successful for-profit corporation, can afford to pay its workers more; NMC earned \$228 million last *quarter* alone (a quarter = 3 months), and shared its profits with stock-holders, by increasing their dividend payments! NMC’s Chief Executive Officer (CEO), Robert Holmes, was generously compensated for his work with a *6-figure salary*, plus *stock options* worth \$250,000 last year! It’s clear to you that the money’s there, that it’s just a matter of priorities, and that employees (and patients) are last on NMC’s list! They are taking advantage of the fact that Get-Well’s workers are **unorganized** and cannot threaten collective action, so therefore, NMC doesn’t have to worry about satisfying their needs.

### ***How a Union Could Change Things at Get-Well***

Although promises don’t deliver, history does. And the **history** or **record** of what workers can do when they organize their power collectively through unions, speaks for itself. For one thing, wages and benefits improve. In fact, union workers earn an average of 15%-34% more, than their non-union counterparts in the same jobs. Unions bargain with employers for paid holidays sick days, medical insurance, paid

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## STUDENT READING #2-C: Role Assignment—Hospital Employees *Union Organizer*

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vacations, etc. In other words, union contracts increase workers' rights; without unions, workers can be fired by management for any reason. Union workers are entitled to seniority rights, to union representation in disciplinary actions taken against them by management, and to file written "grievances" when management violates the union contract. Grievances are resolved through hearings and binding arbitration by a neutral third party.

So from where does a union get its power? A union's **power** comes from the collective labor (skills and knowledge) of the workers and their ability **to take collective action**. In a strike, workers join together to **withhold their labor**, in order to shut production down. If successful, the union can then use its power to negotiate a stronger contract with management. Although strikes are often effective tactics, usually the threat of a strike is enough to make management get serious at the bargaining table. In fact, the stereotype that unions are always going on strikes is totally false; 97%-98% of all disputes between management and labor are settled at the bargaining table, while less than 3% result in a strike.

Meanwhile, HEU has negotiated among the best collective bargaining agreements with hospitals in the state, with the highest wages, professional rights, and

benefits for hospital workers. You have led the way in the fight for bilingual pay (additional pay for workers who use bi- or tri- lingual skills on their jobs). Some of your other accomplishments include - domestic partner benefits in contracts, seniority rights, double-time pay for holidays, flex-time in scheduling, tuition reimbursement for additional training, and affirmative action committees to monitor employers' compliance with the 1964 Civil Rights Act. (This law prohibits discrimination based on race, nationality, gender, religion, age, or disability in hiring, promotions, and terminations by employers.)

So, you believe that the union could really change things at the hospital. After all, you have seen it happen at other hospitals you helped to organize. There is also a severe labor shortage in the area, and hospitals are competing for qualified employees in all job categories. Currently, there are 65 unfilled positions at Get-Well that management staffs by subcontracting with an expensive temp agency or by forcing workers to do mandatory 12-hour shifts.

This is one of the causes of the workload problems at the hospital, and you believe that the higher wages and benefits that the union will negotiate can help management attract highly qualified job applicants and improve staffing.

### *Student Assignment #1*

It is now time to prepare the presentation you will be making to the workers. The assignment is called an **interior monologue**, and should help you to think more deeply about your role. Consider this a rough draft, and write 3 brief, but detailed paragraphs, in essay form. Each paragraph should contain a minimum of 5-8 sentences, and the following details for full credit:

#### *Paragraph 1*

Introduce yourself. Give your real name, but you can make up the rest from the perspective of your role, such as your age, marital status (married, single), children, etc. Talk about your job as a union organizer - how you started working for the union, about what you do on your job, and why you believe in what you do.

#### *Paragraph 2*

Explain what a union is and why unions give workers more power with management. Discuss **NMC's** history and the wages/working conditions at Get-Well. Explain the positive changes HEU could make by negotiating a union contract with Get-Well management. Give examples.

Complete only the first 2 paragraphs before the meeting. Next, divide the opening presentation among your team: one of you could talk about what unions do and where their power comes from; the second organizer—why NMC doesn't want workers to "unionize" and the working conditions at Get-Well; the third organizer—the history of what HEU has accomplished in other hospitals. Each organizer should start by introducing themselves. Do paragraph 3 after the meeting is over.

#### *Paragraph 3*

Analyze the results of the NLRB election. What do you think influenced the outcome? How will things change at Get-Well, as a result of the election—for workers, patients, management, stockholders? How do you feel about the role you played? What did you learn that you could use someday in your work life? What did you teach others that you think is important?



*Supplement for HEU organizers For Your Information:*

**What is a union?**

A union is an organization of workers who join together as a group to deal with the power of their employer through collective bargaining and collective action. Under U.S. law, workers have the right to join a union without interference from the employer, and employers must bargain with the union elected by their workers. Despite this right, employers sometimes use questionable, and even illegal, tactics to prevent workers from organizing themselves into a union.

*How can unions guarantee that if workers join a union, they will increase their wages and improve conditions at work?*

The history of unions' achievements in negotiating contracts speaks for itself. Union workers are able to bargain for wages that **average 15%-34% higher** than non-union workers earn, doing the same jobs!

*Where do unions get the power to make such changes?*

First, **a union's power comes from the collective labor of the workers**, and its ability to unite workers and take collective action. Collective actions include: bargaining, strikes, protests, rallies, as well as participating in elections, and lobbying for laws that benefit workers' interests. Secondly, collective bargaining agreements are legal contracts between unions and employers, and can be enforced by a hearing with a neutral third party called binding arbitration. Third, unions derive their power from past successes (or their history) in meeting workers' needs.

*How do unions negotiate working conditions with employers?*

Once the workers elect for the union to represent them at their place of work, employers are required by law to negotiate a contract with the union members. This process is called **collective bargaining** and it through this mechanism that workers gain improvements in wages, hours and working conditions. Typically, the contract is negotiated by a team chosen by the union members, while the management team is selected by the employer. The union organizers leave after the union representation election and go to organize other sites. Workers choose members from among themselves who will represent them at the bargaining table.

*How is it that some unions get better contracts with management than other unions?*

Unions with active members who communicate frequently with their negotiating team are more likely to be successful in negotiating a contract that will benefit them. Before negotiations begin, meetings are usually held with the workers to see what issues are most important to the membership.

Unions also take a strike vote among their members to prepare for action, in case negotiations fail. Remember that a union's power comes from the threat that a strike poses for the company. In other words, if the company thinks that a strike will force them to shut down and lose profits, it is more likely to meet workers' demands at the bargaining table.

It is often said that **the "u" in union stands for "you."** Unions are only as strong as their members. Many workers expect the union to be responsible for protecting workers and improving conditions, without recognizing that they are the union and their power comes from their **active participation** in union activities.

*Don't unions force workers into strikes?*

No. When workers are organized into a union, they are almost always able to settle any disputes with management at the bargaining table through a contract. Statistics show that less than 2% of contract disputes end up in a strike. In 97% to 98% of all cases, contracts are settled without the need for workers to strike, since the **threat of a strike** is usually enough, and often necessary.

*Don't unions take a lot of money in dues to make a profit from their members?*

No. Unions are non-profit service organizations created by workers to protect themselves. They are heavily regulated by law and are very democratic in nature. Unions do require their members to pay dues, usually about 2 hours of a worker's hourly pay per month. This money is used to pay for the bargaining team's time off the job, reproduce copies of the contract, organize new members, work for laws and regulations that will benefit workers, etc.

**Y**ou are a commissioner for the National Labor Relations Board (NLRB), who has just arrived from Washington, D.C. to supervise a union representation election. The NLRB, an independent federal agency, was established according to the terms of the Wagner Act of 1935, and is responsible to oversee labor-management relations in business and industry. It does this primarily by conducting union representation elections and investigating and settling charges of unfair labor practices.

### *Representation Election*

You have come to the Get-Well Community Hospital in Alhambra, California to **conduct a secret-ballot election among the workers, who will vote on whether or not to join the Hospital Employees Union**. If a simple majority (50% plus 1) of the workers agrees to join the union, then the union legally becomes the official and sole bargaining representative of the workers with the hospital's management.

The union is then able to negotiate a contract (called a collective bargaining agreement) with management, to determine wages and working conditions. Each side is legally bound to the terms of the contract. It contains provisions for enforcement if violated, and can be adjudicated in a court of law.

You take your job with the NLRB very seriously, because you know that without a union, workers have no collective voice or power in dealings with management. The Founding Fathers did not include protections for workers against abuses by owners in the Constitution. And the Bill of Rights was intended to protect *individual* citizens from the abuses of a tyrannical *government*. It wasn't until the Great Depression and the New Deal enacted by Congress and President Roosevelt, that workers were *protected by law* in their right to organize unions and collectively bargain contracts with their employers.

### *Your Role*

When you come to the meeting, you and the other NLRB commissioner will make a **short presentation** to the workers, **explaining your purpose** for coming, as well as the **role and history** of the NLRB. In addition to conducting the election, tell workers that you will be available to **receive complaints** regarding managers committing **unfair labor practices** against workers for participation in union activities. You will also need to explain how the law defines this term (refer to the section that follows for more information) at the meeting.

### *Unfair Labor Practices*

Under the terms of the Wagner Act, Congress enumerated a list of "unfair labor practices" by employers. However, you also know realistically the law can be very difficult to enforce. After all, employers know the law too, and don't fire or discipline a worker outright for participation in union activities. They avoid the law by firing or disciplining workers for other reasons. In a recent case during a Service International Employees Union campaign in the San Fernando Valley, for example, one nurse told about being forced to sit in a meeting with four supervisors for more than two hours. She was repeatedly questioned about her union views and activities, and threatened with retaliation, if she continued. A few months later, she was fired for "poor work performance." Unfortunately, your agency is so back-logged with complaints, it can take up to 2 years for you to conduct a hearing on a violation, and companies often appeal to delay judgements.

Just how typical are stories such as this? In a 1998-1999 survey, conducted by Kate Bronfenbrenner, director of labor education research at the New York State School of Industrial and Labor Relations at Cornell University, employers use at least one anti-union tactic in 97% of all union election campaigns, such as the one described above, to defeat the union. Therefore, it's very important that you **carefully explain what unfair labor practices** are, so that workers can report any evidence they have to you as soon as possible.

Tell workers that complaints will be investigated by the NLRB and a judgment made in a hearing which you will conduct. Unfortunately, these cases often take some 2-3 years to conclude. If the company is found in violation of the law, civil penalties, usually relatively small fines, are administered. Tell the hospital workers that according to the definition of unfair labor practices, **employers may not:**

1. interfere with, or coerce (force) employees, in their union activities.
2. "assist" or dominate a union in its activities.
3. discriminate against workers in employment for joining a union or participating in union activities.
4. discriminate against workers who participate in this NLRB union representation election.
5. refuse to bargain a contract, after the union has been elected to represent the workers.

***Election Procedure***

After the presentations and questions from the workers, you will conduct the secret-ballot election. Here are the steps to follow:

1. Set up a ballot box. Have one ballot for each worker who will be voting. Destroy any extra ballots to avoid fraud.
2. Count all of the workers. You can make a list of all of the worker's names, if time permits. Management does not vote.
3. Pass out ballots. Have students vote and place their folded votes in the ballot box. If you have made a voter's list, check off each name, as workers vote.
4. Count the votes, put the results on the board, and announce them to the class.

***Student Assignment #1***

Prepare your presentation to the workers in writing. It is called an **interior monologue**, and should help you to think more deeply about your role. Consider this a rough draft which you can polish later on. Complete your presentation in essay form in 3 brief, but detailed paragraphs. Each paragraph should contain a minimum of 5-8 sentences and the following details, for full credit:

***Paragraph 1***

Introduce yourself. Give your real name, but you can make up the rest from the perspective of your role, such as your age, marital status (single, married), children, etc. Also talk about your job at the NLRB. What do you think is important about it? Explain what the NLRB is, its background, purpose, and functions. How do you think you serve democracy in your job at the NLRB?

***Paragraph 2***

Describe how the election will be conducted and how the NLRB works to ensure fairness. Be sure to clearly explain what actions constitute unfair labor practices, and use examples where possible. Also explain that the NLRB holds hearings to investigate unfair labor practices and administer penalties, when violations are substantiated.

Complete only the first two paragraphs before the meeting. If there is more than one NLRB Commissioner, divide the presentation between you. For example, after introducing yourselves, one of you could explain the NLRB and the election, and the other commissioner could be responsible to discuss unfair labor practices, how to report them, and the consequences. Complete the following two paragraphs after the meeting and election are over.

***Paragraph 3***

Describe the results of the election. Explain the various reasons why the election turned out the way it did. Discuss how you think things might be different for the workers at Get-Well Community Hospital after this election...for management; for patients and for stockholders

***Paragraph 4***

How do you feel about the role you played in determining the outcome of the election? Was it fair? What changes, if any, would you make to strengthen the Wagner Act to make it serve democracy better? Explain.

I want the Hospital Employees Union to represent me in bargaining with the management at Get-Well Community Hospital.

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

I want the Hospital Employees Union to represent me in bargaining with the management at Get-Well Community Hospital.

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

I want the Hospital Employees Union to represent me in bargaining with the management at Get-Well Community Hospital.

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

I want the Hospital Employees Union to represent me in bargaining with the management at Get-Well Community Hospital.

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

I want the Hospital Employees Union to represent me in bargaining with the management at Get-Well Community Hospital.

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

I want the Hospital Employees Union to represent me in bargaining with the management at Get-Well Community Hospital.

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

I want the Hospital Employees Union to represent me in bargaining with the management at Get-Well Community Hospital.

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

I want the Hospital Employees Union to represent me in bargaining with the management at Get-Well Community Hospital.

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

I want the Hospital Employees Union to represent me in bargaining with the management at Get-Well Community Hospital.

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

I want the Hospital Employees Union to represent me in bargaining with the management at Get-Well Community Hospital.

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

I want the Hospital Employees Union to represent me in bargaining with the management at Get-Well Community Hospital.

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

I want the Hospital Employees Union to represent me in bargaining with the management at Get-Well Community Hospital.

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

**STUDENT ASSIGNMENT #2: Debriefing Essay**

*Essay Instructions: Write four paragraphs using the guidelines below.*

**T**here were three economic groups interacting in our simulation: workers represented by the union; business owners, represented by management; and the government, represented by the NLRB. **In each of three paragraphs, describe the goals of each group and evaluate** (in your own opinion) were they successful? Why or why not?

**In the fourth paragraph, tell what you learned from this simulation.** About unions, about management, and about the relationship between these two groups in the workplace. About the role of the government in business and labor relations. What obstacles do workers face who try to form unions, even though the law gives workers the right to organize? Lastly, what new information and ideas can you take from this learning experience to use at work, as a worker or manager, in your future?

*Pre-writing: First, complete this graphic organizer.*

	What were their goals?	Were goals achieved? <i>Why or why not?</i>	Results or consequences?
Management/Owner			
Workers/Union			
NLRB			

LA Times Newspaper, October 19, 1998

## Seeking More Pay, Encino Hospital Nurses Join Union

By Solomon Moore

Times Staff Writer

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ENCINO—Upset over staffing levels and pay, nurses at Encino Hospital have voted to unionize, joining a growing number of unionized hospitals owned by Santa Barbara-based Tenet Healthcare Corp.

Union organizers said Saturday they would immediately ask hospital management to negotiate a new contract with better pay and staffing levels for the nurses.

Jerry Clute, Encino Hospital chief operating officer, said management would be willing to talk, but saw little room for pay increases. Most Encino Hospital nurses are paid between \$19 and \$30 an hour, he said.

The 53-29 vote for union representation came Friday, a week before a planned one-day strike by union nurses at another Tenet-owned facility, Tarzana Regional Medical Center, which would be their second walkout in the past six weeks. Unionized nurses at Midway Hospital Center in Los Angeles also owned by Tenet are planning a strike vote on Monday, union leaders said.

Local 535 organizer Bob McCloskey said Encino Hospital's management has already made several improvements, including 6% raises for longtime nurses, higher staffing levels and promised safety equipment.

"They would have never done those things unless we were in there fighting for union representation," McCloskey said.

Clute said any further changes would probably be hampered by union involvement.

"I find it doubtful that there would be much give in the dollars and cents, but we will certainly sit and talk," he said. "We prefer to talk directly with employees. The union is not our preferred choice, but we have to respect their decision."

At Tarzana Regional Medical Center, union nurses are demanding 8% across-the-board raises and safer working conditions. Tenet said its nurses are already among the highest paid in Southern California—a contention undisputed by leaders of the American Federation of Nurses, Service Employees Internationally Union, which includes Local 535.

Since the Sept. 15 walkout, hospital managers have not changed their position, offering their most experienced nurses a 6% raise over one year and a 4% increase for newer nurses.

The last one-day strike turned into a three-day lockout when Tenet hired 90 nurses from a replacement firm and turned away most of its regular staff.

Dale Surowitz, the Tarzana chief executive officer, said the hospital will contract with the firm, U.S. Nursing, again if the strike occurs.

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**Times Correspondent Michael Baker contributed to this story.**

## The Wide World of Anti-Union Tactics

By Kate Bronfenbrenner

**T**HE OVERWHELMING MAJORITY of the employers in the 1998-1999 survey sample aggressively opposed the union's organizing efforts through a combination of threats, discharges, promises of improvements, unscheduled unilateral changes in wages and benefits, bribes, and surveillance.

Individually and in combination, these tactics were extremely effective in reducing union election win rates.

In addition to plant-closing threats, one in every four employers discharged workers for union activity, while 48 percent made promises of improvement, 20 percent gave unscheduled wage increases, and 17 percent made unilateral changes in benefits and working conditions. Sixty-seven percent of the employers held supervisor one-on-ones with employees at least weekly, 11 percent promoted union activists out of the unit, 34 percent gave bribes or special favors to those who opposed the union, 31 percent assisted an anti-union committee and 10 percent used electronic surveillance of union activists during the organizing campaign. Employers threatened to refer undocumented workers to the Immigration and Naturalization Service (INS) in 7 percent of all campaigns and in 52 percent of cases where undocumented workers were present in the unit.

Sixty-two percent of the employers in election campaigns ran anti-union campaigns using more than five of the tactics listed, and 20 percent of the employers ran extremely

aggressive campaigns using more than 10 tactics. Employers ran no campaign whatsoever against the union in only 3 percent of the campaigns, all of which were won by the union.

The election win rate drops to 36 percent for units where employers used more than five tactics, compared to 58 percent where they used fewer than five tactics.

However, in marked contrast to the 1993-1995 study where election win rates dropped to 28 percent when the employer used more than 10 anti-union tactics, in the 1998-1999 study win rates averaged 38 percent where they used more than 10 tactics compared to 46 percent where they used ten or fewer anti-union tactics. These data suggest that at a time when unions are running more aggressive and sophisticated campaigns, and where worker trust in corporations is declining, the aggressive anti-union behavior of employers may reach a point of diminishing returns in some units.

Threats of plant closing tend to occur in the context of other aggressive anti-union behavior by employers. Employers who make threats of plant closings are more likely to hire outside consultants, discharge union activists, hold captive audience meetings and supervisor one-on-ones, establish employee involvement committees during the organizing campaign, make unilateral changes in benefits and/or working conditions, use bribes and special favors, use electronic surveillance, threaten to report workers to INS, and show anti-union videos.

While employers used five or more anti-union tactics in 62 percent of the elections, the percentage of election campaigns with threats where they used more than five tactics was 78 percent. Similarly, the percentage of elections with threats where employers used more than 10 anti-union tactics was 29 percent, compared to 10 percent of campaigns without threats.

Although win rates overall were lower in campaigns with plant-closing threats, the negative impact of plant closing threats on the election win rate decreases as the number of anti-union tactics used by the employer increases.

Thus the win rate for campaigns with threats where the employer used more than five tactics was 34 percent and 50 percent when they use five or fewer tactics.

Yet, the win rate increased to 38 percent in campaigns with threats where the employer used more than 10 tactics, compared to a 37 percent win rate in campaigns with threats where they used 10 or fewer anti-union tactics.

These findings suggest that the more the plant-closing threat appears to workers to be just one more tactic in the arsenal of the employer's anti-union campaign, the less credible the threat becomes to the workers being organized, and the less impact it has on their vote for or against the union.

— K.B

**Multinational Monitor**  
**December 2000**

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## TEACHER'S INSTRUCTIONS: NLRB Union Representation Election

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### *Scenario B: McDonna's Fast Food Restaurants*

By Linda Tubach for the California Federation of Teachers Cesar Chavez curriculum "Where Our Food Comes From".

#### *Objectives, Time, and Procedure:*

Same as Scenario A: at the Get-Well Hospital, Inc., except divide the "workers" into five or more small groups (of 4-5 students), each representing a restaurant in the McDonna's chain of fast food restaurants owned by Mr. Jones...(see readings).

#### *Debriefing:*

Distribute, Read and Discuss **Student Reading #3 "Big Mac Attack"** about a successful strike at McDonald's near Cleveland...In the end the workers decide not to form a union—a debatable decision!

#### *Follow-up Lessons:*

- Rent the movie "Bread and Roses" (2000) for a compelling dramatization of recent janitor's union organizing campaigns in Los Angeles. (110 min.)
- For a lesson on the origin of assembly-line methods in the workplace and how restaurant work could be organized differently, see Power In Our Hands (Bigelow and Diamond), Lesson 7: "Taylorizing Burgers: A Fantasy." (Available from [www.teachingforchange.org](http://www.teachingforchange.org))



How do people organize a union at their place of work? In the U.S. today, less than 14% of workers are represented by a union at their place of work, down from a high of 40% after World War II. In order for a union to exist at a workplace, the workers must organize it themselves. Usually the process begins in one of two ways. Workers can either contact a union and ask the union to help them organize, or the union itself may decide to try and organize employees in a particular workplace. The NLRA (**National Labor Relations Act**), also called the Wagner Act, was demanded by workers during the Great Depression and enacted by Congress in 1935. This federal law gives employees the right to decide whether or not they want a particular union to represent them and to participate in a union, without interference from the employer or business owner.

The **NLRB** (National Labor Relations Board), also created by the Wagner Act, is responsible to supervise **union representation elections** when at least 30% of the workers at a workplace have signed "**authorization cards.**" These cards give the union the workers approval to bargain a contract for all of them as their official representative. If a union is elected by the workers, the employer is required by the Wagner Act to negotiate with the union on the terms and conditions of employment, and the outcome is called a **collective bargaining agreement** or union contract.

### *The Situation at McDonna's*

Several attempts to organize a union at McDonna's, Inc., restaurants in California were unsuccessful in the past. McDonna's is one of the nation's largest fast food restaurant corporations, and operates by selling franchises, supplies, and providing management support services to local business owners. In this simulation, your class will

become the McDonna's chain of five restaurants in Fresno, California, and will participate in a union representation election. All of you will be involved in this controversy and will decide the major question: Should the workers at McDonna's vote in favor of joining United Restaurant Workers Union?

At this point in the simulation, over 30% of the workers have already signed union authorization cards. Although Mr. Ray Jones, the owner of the McDonna's franchises in Fresno, could recognize and bargain a contract with the union desired by the workers without an election being held, he has chosen not to. On the advice of McDonna's corporate headquarters, he prefers to wait on the outcome of the NLRB's union representation election.

Your class will be divided into the following groups: McDonna's Management, Restaurant Union Organizers, NLRB officials, and workers who will be coworkers at one of the five fast food McDonna's in Fresno.

Soon, you will be assigned a role and given a reading that describes the situation at the fast food restaurants in greater depth. **At a community meeting to be held at a local church, everyone will be given the opportunity to speak, and after a thorough examination of the issues, the workers will vote in a union representation election.** The meeting will begin with the NLRB officials who will explain the law, followed by union and management presenting their respective views to the workers. After this, workers will be given sufficient time to respond with their comments, questions, and opinions. The meeting will culminate with the workers' secret ballot vote.

I want the Hospital Employees International Union to represent me bargaining with the management of Get-well Community Hospital.	
<input type="checkbox"/> Yes	<input type="checkbox"/> No

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## STUDENT READING #1: Vocabulary You Will Need to Know for This Simulation

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- 1. Management:** Workers who supervise, discipline other workers, organize the work process, and represent the owner (employer) in a workplace.
- 2. Union:** A labor organization organized collectively by workers in order to deal with the power of their employer and their management.
- 3. Union Contract:** The written agreement between the organized workers and their employer (represented by the management) on all issues agreed upon by the two parties through the collective bargaining process. If broken, a contract is enforced through its own "grievance procedure," which ends with a binding decision by a neutral "arbitrator" who serves as a judge.
- 4. Union Representation election:** A secret ballot election held in the workplace, in which employees vote to decide whether they want a particular union to represent their interests in negotiations with employers.
- 5. Arbitration:** A method unions use to settle a dispute with management, such as a violation of the union contract, by having a neutral third party (an arbitrator) hold a hearing, take testimony from both sides, and decide an award. The union and management choose a professional arbitrator from an organization such as the National Academy of Arbitrators; they share the cost of the arbitrator's services, and they both agree to abide by the arbitrator's decision.
- 5. Franchise:** A business owner who contracts with a corporation to make and sell their "brand-name" products.

**Y**ou live in Fresno, the fastest growing city in California, in the agriculture heartland of the great Central Valley. You are an employee at one of the five McDonna's fast food restaurants owned by Mr. Ray Jones. Mc Donna's is one of the nation's largest fast food restaurant corporations, and operates by selling franchises, supplies, and providing management support services to local business owners. Ray Jones bought a franchise to open his first McDonna's about 10 years ago. Business has grown steadily, and he has bought additional franchises to open four more McDonna's restaurants around the city in the last few years.

### ***Wages and Working Conditions***

Most employees start at minimum wage, and few make more than a dollar above the minimum. The managers decide what your starting wage is and whether an employee deserves a 25-50 cent "merit raise" every 6 months. Sometimes a worker earning \$6.75/hour might train a new worker earning \$7.50/hour. Many employees are part-timers—high school or college students, single mothers, senior citizens, and there is a high turnover. However, some employees have worked here over three years and work full-time, 45 hours a week on 9 hour shifts with only two breaks.

The work is not as easy as it might seem. There is a strict division of labor and procedures to learn for each job assignment or "station". There are counter persons who greet the customer, take their order, and assemble the food order, being careful to put exactly 6-8 pieces of ice in the drinks and smile a lot. Training takes about half an hour, and is mostly "women's work". The most "skilled" and highest paid food preparation position is the grill person, who lays out the frozen patties 6 at a time, and turns them when the buzzers say so, adding just the right amount of reconstituted onions on each patty. At the busiest times, this worker handles 48 patties on the large grill.

The other positions include the french fry station, bread preparation, and the milkshake person. Making the fries and shakes are usually men's jobs, since they require unloading large and heavy containers, and then measuring and dumping the exact amounts of fries or shake mix into the machines. Bread prep puts trays of 36 buns into the gigantic toaster that crisps them in 2 minutes, then

dresses them with condiments and assembles the burgers after the grill person lays the patties on each batch, a dozen at a time. A good team can put twelve burgers up about every two minutes, unless we have to give special treatment to a customer who wants hers/his without onions or something.

When the burgers are finished, they are moved over the top of the grill to the warming bin station right behind the counter where they are wrapped. The lead "bin person" tells the grill team how many of which kind of sandwich to make. This is also a "skilled" position, and the only one regularly available to women; since it requires the most judgment, it is often performed by a manager.

During slow times, any employee can be asked by managers to clean up in the restaurant. During busy periods, the pressure from managers to work faster can be intense, and some have very poor communication skills. Adding to the stress can be customers who sometimes yell at employees during promotions like Beanie Babies. Employees working the grill or french fry station can get burned, and some workers get repetitive motion injuries. Sometimes equipment does not work properly, supplies are hard to find, and the company does not provide any medical benefits to part-timers.

### ***The Union***

Recently, some "outsiders" have come around the restaurant to try to get the employees to join their union, the United Restaurant Workers Union. You have heard that the union might be able to get the owner to raise your hourly wages and improve your working conditions. On the other hand, you are not sure that you can trust the union people any more than you trust your managers, who have been known to promise raises or bonuses and not fulfill them. Most workers in your community do not belong to unions, and you are afraid that you might be harassed or even fired if you go to one of the union meetings after work. (You heard that an employee at one of the other McDonna's owned by Mr. Jones was fired after being overheard "talking union" on break.)

You are going to have to make a decision on this union thing, though. Ever since the National Labor Relations Board scheduled a union representation election for the end of this week, everybody is

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## STUDENT READING #2-A: Role Assignment—*Worker at McDonna's*

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beginning to talk about it. Even at home, you can't get away from it. Your sister-in-law is a nurse and very pro-union. She keeps saying that it's about time the workers had some say about their pay and working conditions at big corporations like McDonna's. But your cousin says that McDonna's

can't afford a union if they're going to keep food prices low, and unions are just out for themselves, anyway. He says they take their dues out of your paycheck every month, and you never really get that much back.

### *Student Assignment #1*

Soon you will be hearing the presentations of the union organizers and the McDonna's management at a community meeting to be held in your church. Your assignment is to write a statement of your concerns which will help you to participate in the meeting where you and your fellow workers will be speaking, and then voting in the union representation election conducted by the National Labor Relations Board. It should include the following parts, written in essay form. Each paragraph should contain no less than 4 - 6 sentences minimum for full credit.

#### *Paragraph 1*

Introduce yourself. Use your real name, but the rest you can imagine from the perspective of your role—such as your age, family situation, and work experience. Decide with your group what your work station is at McDonna's and describe the work that you do and the working conditions as you experience them.

#### *Paragraph 2*

Explore both sides of this union issue. What do you feel you might gain by voting for the union? What might you lose? Provide descriptions, feelings, and examples.

#### *Paragraph 3*

Write two questions (and your reasons for them) that you would like to ask the union organizers at the community meeting. Write two questions (and your reasons for them) that you can ask management.

Complete only the first three paragraphs before the meeting. After everyone in your group finishes, you will do a read-around with your group, with each person reading his or her own essay aloud, and then choose one to represent your group in the **introductions** that will take place at the beginning of the meeting. The NLRB, union organizers, and management will then make their presentations to you and the other workers. After this, the major portion of the meeting will be turned over to the workers' questions and comments. Everyone will have an opportunity to speak. After the meeting is over, you will be given time to write your last paragraph in class.

#### *Paragraph 4*

Write this paragraph after the community meeting and election are over. Explain your decision on how you voted. Begin with the sentence, "I voted \_\_\_\_\_ (yes or no) on whether the United Restaurant Workers Union should represent the workers at McDonna's because...." Discuss why you think the election turned out the way it did, how it will change things for the workers, management, and the community. What is important about this election?

**Y**ou are a group of managers who represent the owner, Ray Jones, of five McDonna's franchise restaurants in Fresno, California. Some of you are managers at the restaurants, and some of you are consultants providing management support services from McDonna's corporate headquarters in Los Angeles. You are proud of the fact that you work for the largest fast food chain in the United States, and that the corporation's profits have steadily grown along with customer volume over the last 10 years. You attribute this to the competitive edge that McDonna's obtains in the fast food market through its creative advertising promotions combined with low food prices and standardized quality at all the franchise locations.

Now, union people are coming from L.A. to try organize the workers at Mr. Jones' five restaurants, and the National Labor Relations Board has scheduled a union representation election at the end of this week. You believe that these union people are just out for themselves, to collect monthly union dues from the workers' paychecks, and will cause big problems for you and the employees at McDonna's. McDonna's likes to have a direct relationship between its managers and workers. It does not want to negotiate with them through a union, and prefers to treat each worker as an individual, with an individual employment contract (not a union contract). How can you convince your employees that it is not in their best interest to join the United Restaurant Workers Union?

### ***Wages and Profits***

The union is making demands which you feel the corporation, in general, and Mr. Jones, in particular, cannot satisfy and still earn the dividends for stockholders and profits for franchise owners that are expected in the fast food business. The union is telling your workers that you do not pay them enough. They are comparing the \$6.75 - 7.75 per hour which you pay most employees to the \$15 - 20 per hour paid to upscale restaurant employees who work at unionized hotels. You do not think this is a fair comparison. The union organizers do not understand the fast food industry, which works on a small profit margin that unionization would make even smaller. Raising wages will cause customers' food prices to rise, ruining the competitive edge of McDonna's in the restaurant industry, which is that the food is cheap.

And as far as the business profits are concerned, you feel that McDonna's has nothing to be ashamed of. Everyone knows that the opportunity for profits in the U.S. economy is what drives innovation and progress in every industry. Indeed, making profits is what has made Mr. Jones a successful franchise owner, who has expanded to new locations and hired more employees over the last few years. Mr. Jones has not only provided more jobs to our community, he has sponsored two Little League baseball teams and won the Fresno Chamber of Commerce recognition award for most outstanding small business three years in a row.

Lastly, you should remind workers that Mr. Jones will have to make adjustments if he has to raise all the workers' wages, as a union contract would require. This would not only include raising the prices that customers pay for the food, but also possibly "down-sizing" by shutting down the "less competitive" restaurants in his chain.

### ***Working Conditions***

The union people are giving a lot of misleading information to your employees, it seems. They talk about employees getting hurt on the job, and they say that you are violating government health and safety laws. You feel that you have an excellent safety record, and you always make a sincere effort to deal with the problems that your employees bring to your attention. You always pitch in when the work gets busy, too. You believe that there is simply a communication gap right now between management and workers that the union people are taking advantage of, and using to make the workers angry at management.

### ***Management's "action plan"***

You need to convince your employees that they do not need a union to improve working conditions at McDonna's, and that a union will interfere with the direct, one-on-one relationship management wants to have with employees. You would much rather review each employee's work performance every six months for a possible "merit raise", on an individual one-to-one basis, than deal with a union of all the workers and "collective bargaining" on the wages of the workers as a group. You want to improve communication with every employee individually, and you believe a 6-month individual review is the best way to reward workers who do the work well; you oppose raising everybody's pay the same

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## STUDENT READING #2-B: Role Assignment—*Management at McDonna's*

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percentage as unions typically negotiate in their collective bargaining agreements (also called union contracts) with employers.

Furthermore, you have additional plans for improvements at McDonna's. For example, you are planning to start a "people skills" class for new managers, and to set up a suggestion box for employees to propose changes in how the work is

done. The workers' suggestions can remain confidential, of course, and must meet McDonna's corporate standards to be implemented. You also plan to start an "Employee of the Month" award system, with a bonus for the most productive worker, and you will install a lounge for the employees in a section of the storeroom at each of Mr. Jones' restaurants.

### *Student Assignment #1*

Each member of the management team is responsible to make one part of management's opening presentation to the workers at the upcoming community meeting, to convince them that they should not vote for the United Restaurant Workers Union to represent them at McDonna's in the NLRB election.

To do this each team member should complete the following assignment in essay form, and then each team member will read his/her essay to the workers as part of the opening statement at the community meeting before the election takes place. Each paragraph should contain no less than 4 - 6 sentences minimum for full credit. Include the following:

#### *Paragraph 1*

Introduce yourself. Tell your real name, but imagine the rest from the perspective of your role—including your age, family situation, and work experience. Tell what you do as a manager at McDonna's, and how you feel about working for the greatest fast food restaurant in the U.S.

#### *Paragraph 2*

Choose one or more of the following themes to concentrate on in your opening statement. (Make sure that other members of your team take one of the other themes, so that your team's presentation is complete. Keep in mind that most of the community meeting will focus on the workers' questions and concerns so you can follow up on all these themes as the meeting progresses.)

- Explain why a union is not a good idea in the fast food business, and why they are better off without paying union dues, in general. Give examples.
- Discuss the positive "action plans" you have to improve things at McDonna's, plans that make a union unnecessary. Give examples.
- Explain the problems that a union could cause for the workers at McDonna's, and what Mr. Jones might do if the workers elect the union to represent them. Give examples.

#### *Paragraph 3*

Write this paragraph after the community meeting and the election are over, before you turn in this assignment. Discuss the election results. Why do you think it turned out this way? How will it change things for the workers? the management? the community? What is important about this election?

**Y**ou work as an organizer and staff representative for the United Restaurant Workers Union based in Los Angeles and other major U.S. cities. After several employees at McDonna’s fast food restaurant in Fresno, California, called your union, you were assigned to help them organize at 5 franchises owned by Mr. Ray Jones. You have been working on this campaign for the last 4 months, having house meetings with interested employees. Now you are preparing for your first public meeting with the workers, and you know that what you say may make a big difference to the undecided workers who will be voting in the upcoming union representation election, scheduled at the end of the week by the National Labor Relations Board.

Being a union organizer is more than just a job to you—it’s part of who you are and it’s what you believe in. You have worked at both union and non-union employers, and you strongly believe that unions are what workers need to make their work and their lives better, and more democratic. Your union’s mission is to provide the members with a voice in their workplace and in the larger community, to improve the standard of living of the members and their families. You accomplish your mission by organizing workers to elect unions, involving the workers in bargaining a union contract to improve working conditions with the employer (after winning the election), taking collective group actions such as strikes to pressure employers when necessary into compromising with workers, and participating in the political process at every level of government to improve laws for working people in our society.

### ***Working Conditions at McDonna’s***

You believe that the workers are being mistreated at the McDonna’s restaurants owned by Mr. Jones in Fresno, and that if they elect to join a union, the collective power of the workers will protect their rights and advance their interests. You’ve heard many complaints from both part-time and full-time workers at the house meetings you’ve organized, and that some new managers are making working conditions worse at McDonna’s.

The pay is low, usually minimum wage, and the work can be very stressful, especially during busy hours and special promotions. Managers pressure employees to work faster, and some have very poor communication skills, resorting to yelling or even cursing at employees. Employees on the grill and

the french fry station suffer from burns, some workers at the counter have repetitive motion injuries, and other workers risk injuries from lifting heavy containers. You have heard complaints about sex discrimination in job assignments, (fries, shakes, and the grill are usually “men’s” work), and there are pay inequities between workers at the same stations. Everyone complains about being told to clean up in the restaurant during slow hours. Sometimes the equipment doesn’t work properly, supplies are hard to find, and the company does not provide any medical benefits to part-time employees. Although many employees are part-timers, they all feel that their seniority (how long they have worked there) should count for something when it comes to scheduling hours and job assignments.

### ***What the Union Could Do***

Your union has successfully organized several restaurants in the Fresno area, and has bargained union contracts (also known as collective bargaining agreements) with employers that significantly improved wages, working conditions, and benefits such as vacations for all the workers. You know that McDonna’s is a very successful worldwide corporation that has been paying high dividends to its stockholders, and Mr. Jones has obtained excellent profits from owning McDonna’s franchises in Fresno. Indeed, customer sales have grown enormously, thanks to corporate television ads and special promotions to kids like Beanie Babies, and the profits have financed Mr. Jones’ expansion to five restaurants, (and a new “mansion” in the foothills).

Therefore, you believe that Mr. Jones can well afford to raise the wages of his employees and still make profits from the high volume of customers, without significantly raising food prices that customers are paying. And he most certainly could afford to give the workers greater respect for their skills and labor, and meet them as “equals” at the collective bargaining table in order to resolve problems in the workplace such as discrimination and bad managers. You will need to convince the workers that they will have greater influence on management’s decisions in general if they are organized and communicate with management as a group. This is the heart of a union’s ability to improve wages and working conditions—its the ability of the workers to take collective group action (collective bargaining agreements, petitions, picketing, boycotts, strikes, lobbying for better laws,

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## STUDENT READING #2-C: Role Assignment—*Restaurant Union Organizer at McDonna's*

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etc...) that makes business owners compromise with their employees.

You also know that many workers at McDonna's are young and part-time, and do not intend to make a career out of fast food. Some are high school students, unskilled and working their first job for spending money, and do not expect to be treated any better than they are in school. With low pay and high turnover, many workers have doubts about paying union dues. However, based on your experience, you are confident that if the

workers elect a union, they can collectively make McDonna's a better place to work. All workers, whether part-time or full-time or even temporary, deserve their fair share of the profit that their labor creates, and deserve dignity and respect in the workplace. The collective power of the employees organized into a union can make Mr. Jones do the right thing for all the workers, in a union contract! And the workers are the union, and will bargain the union contract themselves!

### ***Student Assignment #1***

Each member of the union organizer team is responsible to make part of the union's opening presentation to the workers at the upcoming community meeting, to tell them why they should vote for the United Restaurant Workers Union to represent them at McDonna's in the NLRB election.

To do this, each team member should complete the following assignment in essay form, and then each member will read their essay to the workers as part of the opening statement at the community meeting before the election takes place. Each paragraph should contain no less than 4 - 6 sentences minimum for full credit. Include the following:

#### ***Paragraph 1***

Introduce yourself. Tell your real name, but imagine the rest from the perspective of your role—including your age, family situation, and work experience. Tell why you work for the United Restaurant Workers Union, and what you do.

#### ***Paragraph 2***

Choose one or more of the following themes to concentrate on in your opening statement. (Make sure that other members of your team take one of the other themes, so that your team's presentation is complete. Keep in mind that most of the meeting will focus on the workers' questions and concerns, so you can follow up on all these themes as the meeting progresses.)

- Explain what a union is and why unions give workers a stronger voice in the workplace, in general. Give examples.
- Discuss working conditions at McDonna's. Give examples.
- Explain why you think Mr. Jones does not want the workers to "unionize", and how conditions could improve if they do. Give examples.

#### ***Paragraph 3***

Write this paragraph after the community meeting and the election are over, before you turn in this assignment. Discuss the election results. Why do you think it turned out this way? How will it change things for the workers? the management? the community? What is important about this election?



### ***Unions: Why Are They Important?***

A union is an organization of workers who decide to join together so they will have a greater say about their wages, hours, and working conditions. Under U.S. law, workers have the right to join a union, and employers must bargain with the union elected by their workers. Despite this right, many employers use questionable, and even illegal, tactics to prevent workers from organizing unions.

#### ***Why do workers need labor unions?***

To deal with the power of the employer. Without a union, workers work “at [the] will” of the employer - meaning they have only the few rights provided by law, such as minimum wage, on the job. Lacking union protection, workers do not have the right to a hearing and can be disciplined, demoted or fired for no reason.

#### ***What gives unions their power?***

Two things: first, the workers’ collective labor power and their ability to shut production down, if they withhold their labor from the employer; second, the written contract between management and union, which is legally binding and can be enforced by a hearing with a neutral third party called “binding arbitration.”

When workers join together, they can take collective actions that would not be effective if done individually. Collective actions can include petitions, demonstrations, work slow-downs, and other activities which show the workers’ unity and power. Strikes are another form of collective action, but are used generally after negotiations fail. The threat of a strike is usually enough to force a settlement.

The other power unions possess is their ability to negotiate a contract with the employer which determines wages, hours and working conditions. Contracts also contain such protections as grievance procedures, a step-by-step process used when a worker believes her/his rights have been violated by management in the contract.

#### ***What proof do workers have that they will be better off with a union?***

History. The past record of unions shows that when workers organize together their wages and working conditions improve. For example, union workers earn 15% - 34% more than their non-union counterparts in the same jobs, with the biggest increases for workers in the lowest paid occupations.

#### ***Why do workers pay dues and how much are they?***

Dues are about 2 hours of a worker’s hourly pay per month. If a worker earns \$8 an hour, her union dues would be \$16 monthly. Some of the uses of members’ dues include: printing copies of the union contract for all the members; the release time of a shop steward (a worker elected by the other workers to represent them in any disputes with management); and release from job duties for the contract bargaining team (also elected by the workers).

You are a commissioner for the National Labor Relations Board (NLRB), who has just arrived from Washington, D.C. to supervise a union representation election. The NLRB, an independent federal agency, was established according to the terms of the Wagner Act of 1935, and is responsible to oversee labor-management relations in business and industry. It does this primarily by conducting union representation elections and investigating and settling charges of unfair labor practices.

### **Representation Election**

You have come to the Fresno, California to **conduct a secret-ballot election among the workers, who will vote on whether or not to join the United Restaurant Workers Union** at the McDonna's fast food chain. If a simple majority (50% plus 1) of the workers agrees to join the union, then the union legally becomes the official and sole bargaining representative of the workers with the restaurant's management.

The union is then able to negotiate a contract (called a collective bargaining agreement) with management, to determine wages and working conditions. Each side is legally bound to the terms of the contract. It contains procedures for enforcement if violated, and can be adjudicated in a court of law.

You take your job with the NLRB very seriously, because you know that without a union, workers have no collective voice or power in dealings with management. The Founding Fathers did not include protections for workers against abuses by owners in the Constitution. And the Bill of Rights was intended to protect *individual* citizens from the abuses of a tyrannical *government*. It wasn't until the Great Depression and the New Deal enacted by Congress and President Roosevelt, that workers were *protected by law* in their right to organize unions and collectively bargain contracts with their employers.

### **Your Role**

When you come to the meeting, you and the other NLRB commissioner will make a **short presentation** to the workers, **explaining your purpose** for coming, as well as the **role and history** of the NLRB. In addition to conducting the election, tell workers that you will be available to **receive complaints** regarding managers committing **unfair labor practices** against workers

for participation in union activities. You will also need to explain how the law defines this term (refer to the section that follows for more information) at the meeting.

### **Unfair Labor Practices**

Under the terms of the Wagner Act, Congress enumerated a list of "unfair labor practices" by employers. However, you also know realistically the law can be very difficult to enforce. After all, employers know the law too, and don't fire or discipline a worker outright for participation in union activities. They skirt the law by firing or disciplining workers for other reasons. In a recent case during a union campaign in a nearby city, for example, one worker told about being forced to sit in a meeting with four supervisors for more than two hours. She was repeatedly questioned about her union views and activities, and threatened with retaliation. A few months later, she was fired for "poor work performance".

Just how typical are stories such as this? In a 1998-1999 survey, conducted by Kate Bronfenbrenner, director of labor education research at the New York State School of Industrial and Labor Relations at Cornell University, employers use at least one anti-union tactic in 97% of all union election campaigns, such as the one above, to defeat the union. Therefore, it's very important that you carefully explain what unfair labor practices are, so that workers can report any evidence they have to you as soon as possible.

Tell workers that complaints will be investigated by the NLRB and a judgment made in a hearing which you will conduct. Unfortunately, these cases often take some 2-3 years to conclude. If the company is found in violation of the law, civil penalties, usually relatively small fines, are administered.

Explain to the workers that according to the definition of unfair labor practices, **employers may not:**

1. interfere with, or coerce (force) employees, in their union activities.
2. "assist" or dominate a union in its activities.
3. discriminate against workers in employment for joining a union or participating in union activities.

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## STUDENT READING #2-D: Role Assignment—*National Labor Relations Board Official*

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Page 2 of 2

4. discriminate against workers who participate in this NLRB union representation election.
  5. refuse to bargain a contract, after the union has been elected to represent the workers.
- Election Procedure**
- After the presentations and questions from the workers, you will conduct the secret-ballot election. Here are the steps to follow:
1. Set up a ballot box. Have one ballot for each worker who will be voting. Destroy any extra ballots to avoid fraud.
  2. Count all of the workers. You can make a list of all of the worker's names, if time permits. Management does not vote.
  3. Pass out ballots. Have students vote and place their folded votes in the ballot box. If you have made a voter's list, check off each name, as workers vote.
  4. Count the votes, put the results on the board, and announce them to the class.

### *Student Assignment #1*

Prepare your presentation to the workers in writing. It is called an **interior monologue**, and should help you to think more deeply about your role. Consider this a rough draft which you can polish later on. Complete your presentation in essay form in 3 brief, but detailed paragraphs. Each paragraph should contain a minimum of 5-8 sentences and the following details, for full credit:

#### *Paragraph 1*

Introduce yourself. Give your real name, but you can make up the rest from the perspective of your role, such as your age, marital status (single, married), children, etc. Also talk about your job at the NLRB. What do you think is important about it? Explain what the NLRB is, its background, purpose, and functions. How do you think you serve democracy in your job at the NLRB?

#### *Paragraph 2*

Describe how the election will be conducted and how the NLRB works to ensure fairness. Be sure to clearly explain what actions constitute unfair labor practices, and use examples where possible. Also explain that the NLRB holds hearings to investigate unfair labor practices and administer penalties, when violations are substantiated.

Complete only the first two paragraphs before the meeting. After the meeting is over, you will be given time to write your third and fourth paragraphs in class. If there is more than one NLRB Commissioner, divide the presentation between you. For example, after introducing yourselves, one of you could explain the NLRB and the election, and the other commissioner could be responsible to discuss unfair labor practices, how to report them, and the consequences.

#### *Paragraph 3*

Describe the results of the election. Explain the various reasons why the election turned out the way it did. Discuss how you think things might be different for the workers at McDonna's after this election for management? For customers?

#### *Paragraph 4*

How do you feel about the role you played in determining the outcome of the election? Was it fair? What changes, if any, would you make to strengthen the Wagner Act to make it as fair as possible? Explain.

**I want the United Restaurant Workers Union to represent me in bargaining with the management at McDonna's.**

\_\_\_\_\_ Yes

\_\_\_\_\_ No

**I want the United Restaurant Workers Union to represent me in bargaining with the management at McDonna's.**

\_\_\_\_\_ Yes

\_\_\_\_\_ No

**I want the United Restaurant Workers Union to represent me in bargaining with the management at McDonna's.**

\_\_\_\_\_ Yes

\_\_\_\_\_ No

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\_\_\_\_\_ No

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\_\_\_\_\_ Yes

\_\_\_\_\_ No

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\_\_\_\_\_ Yes

\_\_\_\_\_ No

**I want the United Restaurant Workers Union to represent me in bargaining with the management at McDonna's.**

\_\_\_\_\_ Yes

\_\_\_\_\_ No

## BIG MAC ATTACK: Did Somebody Say Strike? The Kids Who Took on McDonald's—And Won

by Michael Colton, *Washington Post* Staff Writer, April 26, 1998 (condensed by Patty Litwin)

The McDonald's [in Macedonia, Ohio] looks like most of the other 12,000 or so McDonald's in the United States. It sits at the intersection of State Road 8 and Route 271. Like all the other McDonald's, this one offers a faint and instantly recognizable odor. It's the smell of Double Quarter Pounders With Cheese, Filets-O-Fish and dimethyl polysiloxane-enhanced Chicken McNuggets. It's the smell that millions of low-wage workers take home with them every night - the smell of blood, sweat, and Special Sauce.

To Bryan Drapp - the 19 year old fry cook, burger griller and labor organizer - it's the smell of victory. For this is not an ordinary McDonald's. This is one that made history. Drapp and his mostly teenage cohorts went on strike against the nation's best-known restaurant chain. In an industry where organized labor is an anomaly, this service sector is where most of America's new jobs are being created. Many of them are McJobs, a term that has come to mean all jobs characterized by low pay, few benefits and no future.

Drapp works 45 hours a week, often in nine hour shifts that begin at 6 a.m. For each shift he is granted one half-hour break, which he takes at his supervisor's discretion. He has burns on his arms from working the grill and circles under his eyes from lack of sleep (He also attends classes part-time at the University of Akron).

Had the Teamsters, who rushed to represent the workers, actually unionized the McDonald's, it would have been the first time in 25 years. Some McDonald's unions have been formed in Europe and Mexico, but the only reported success in America came in the early 70's when the United Food and Commercial Workers unionized a McDonald's in Mason City, Iowa for four years.

McDonald's and the rest of the fast-food industry have been notoriously anti-union. In February, a McDonald's in Canada permanently shut down in the middle of a union drive by its employees, sparking a nationwide labor movement to organize McDonald's workers.

The fast-food industry works on a small profit margin; employers fear that unionization would

make this even smaller. "The whole competitive edge McDonald's has is that the food's cheap," notes Michael Kaizen, a labor historian at American University. "If unions get there, prices will probably rise, so the company can be counted on to fight unionization from the beginning."

The lack of organized labor also reflects the logistics of the industry. Employees work in small groups at separate franchises. There are many part timers. Turnover is high. Many are teenagers in their first jobs; they don't plan to make a career out of fast food. They are loath to reduce their already low wages by paying union dues. "These relatively young workers never are able to establish what is known in labor relations parlance as a 'community of interest,'" says Douglas McCabe, a professor of industrial and labor relations at Georgetown University.

But despite the stereotype, McDonald's is not staffed entirely by teens. There are older people who flip burgers to supplement Social Security, to keep up their car payments, or raise a family. For them, McDonald's is the only option - and they, Drapp says, are the ones he was trying to help. People like Margaretha DeLollis, 66, one of the oldest workers at the Macedonia McDonald's.

On April 8, DeLollis was out on the floor putting new garbage bags in the can every 15 minutes - standard procedure during the lunch rush. She didn't want to have to go to the back of the restaurant every time she needed a new bag, so she left a stack of spares out in the open. That didn't look like proper McDonald's to Jerry Guffey, a franchise management employee. He grabbed her arm and yelled at her, she told local newspapers. Guffey also reportedly ordered the gray-haired worker to "use your legs."

DeLollis cried and ran out of the restaurant. "I felt like a little girl," she said.

Bryan Drapp was at the grill wrapping burgers, and says he saw the whole thing. After DeLollis left, Guffey asked him to clean the lobby - DeLollis's job. Drapp refused. He says Guffey took him to the back office and said, "Your job is to do whatever I tell you." The teenager walked out furious.

Bryan Drapp is a toothy, popular kid with fairly typical tastes and doesn't consider himself a troublemaker or a hothead. In the course of his McDonald's tenure - he's been there two years - he had quit once before. A manager was too demanding, he says. But he came back when that manager left; he needed the money.

He and the other workers say their problems were never addressed. Supplies were hard to find and equipment didn't work properly. The pay scale was out of sync; an employee making \$5.85, might have to train a new worker earning \$6.50. The store was understaffed - managers swore and customers yelled, especially during the hectic Teenie Beanie Babies promotions.

After his April 8 walkout in support of his older comrade, Drapp still wanted to work at McDonald's. He came back to work a couple of hours later and tried to find out if it was okay to return for his next scheduled shift. But he says Guffey - who is the franchise's human relations supervisor - wouldn't speak to him.

Drapp punched in bright and early on Good Friday with a plan that he secretly told to the others. He wanted them to go on strike. Drapp had never even seen a strike before, except on TV. "We mostly talk about sports," says his father, "not labor and Teamsters."

Jamal Nickens was the first co-worker he talked to about the strike. Nickens had also seen problems at work and had also quit before. "They're authoritarian" he says. "You were their slave."

On Easter morning, about 15 members of the store's crew, mainly teenagers, gathered outside, holding signs like "Honk for Compassion" and "Did Somebody Say Unqualified Management?" (playing off the McDonald's campaign, Did Somebody Say McDonald's?) Other crew members expressed their support but went inside to work. DeLollis was among them.

Management pleaded with them to come back in, offering to discuss their demands, but the strikers had not formalized their grievances yet. When the list was written, it ranged from fully equipped first-aid kits, written reviews and posted schedules - to #9 which stated "No more DECEPTION".

By Tuesday, the media had arrived, though neither Drapp or Nickens had contacted them. Dominic Tocco, president of Cleveland's Teamsters

Local 416, heard about the strike on the radio and decided to stop by on his way to work to buy the kids doughnuts and coffee. After finding out who he was, they said they wanted to be Teamsters. As Tocco spread the word, Teamsters from around the area came to offer food and support. Tocco advised the strikers and said he just wanted to give the fledgling unionists a hand. "I have two sons," he says. "If my boys were working at a company and being physically and verbally abused, I'd want them standing outside on a picket line, too."

McDonald's management was not particularly impressed by the presence of the Teamsters. "It just increased the number of people out there holding signs," says the regional marketing manager for the corporation. Management had scheduled a meeting with the strikers at a nearby Holiday Inn but insisted that it be McDonald's only: no Teamsters. The strikers didn't show.

Although other people were filling out McDonald's job applications, the strikers felt the tide was turning. The Teamsters presence helped convince a UPS driver and a delivery man not to cross the picket line, the strikers say. At 4 p.m. that Thursday, management agreed to meet with the strikers, who would only come provided they could show any proposed agreement to the Teamsters. After two hours, a resolution was reached and the strike was over. Among the terms:

- "People skills" classes for management.
- A week's paid vacation after one year full-time (35 hours/week) work.
- Retroactive salary hikes to cover any increases in the federal minimum wage. For example, if the crew member makes \$6.50 and the minimum wage goes up by 50 cents, the worker will make \$7.

The weekend after the strike, two McDonald's representatives told a different story. They prefer not to call the resolution a "labor agreement," but an "action plan." And they emphasized that this strike was a unique incident that will probably have no major repercussions. "This is an isolated thing handled by a local owner operator," says McDonald's spokeswoman Lisa Howard, sounding very bored. Another refused to even use the word "strike."

Teamsters president Tocco says he has received hundreds of calls and that workers from five McDonald's in Akron called for union cards.

[Several] franchise owners called to make sure they were treating employees fairly. "This is a wake-up call for people who are running these places."

The strikers have returned to work and McDonald's managers have until the end of April to comply with the terms of the agreement. Meanwhile, Tocco has made the ex-strikers "associate Teamsters," meaning that they don't

have to pay any dues, nor do they have a union contract. Today, Bryan Drapp is waiting for confirmation of an invitation to appear on the "Tonight Show," while Jamal Nickens is enjoying his managers' new found politeness. "They've been kissing up to us," he says, his face still sunburned from the picket line. "But I don't know if it'll last."

***Discussion Questions:***

1. Describe workers and their McJob conditions in Macedonia.
2. What specific conditions make it difficult for workers with McJobs to organize unions at their work sites?
3. What event(s) led up to the strike? Immediate? Long-standing?
4. Describe the outcome of the strike. What part did the Teamsters play in the resolution?
5. Without a union, predict future working conditions at this McDonald's. What might you have done differently? Why? Explain.
6. How would working conditions change if fast food chains were organized?

# Raw Power

## *Plant-Closing Threats and the Threat to Union Organizing*

By Kate Bronfenbrenner

**F**OR THE LAST DECADE, the United States has experienced the longest and most dramatic peace time economic expansion in its history. With unemployment extremely low, labor markets are as tight as or tighter than they have been since the 1960s. According to the most basic precepts of labor economics, these tight labor markets should have resulted in rising wages and increased job security for U.S. workers, and increased density and bargaining power for U.S. unions. Yet real wage gains have come only recently and are extremely modest, and recent polls show U.S. workers are more, not less, anxious about job security.

The relationship between worker insecurity and restraint of wage demands is both individual and collective. Not only are individual workers afraid to ask for significant wage increases, the specter of capital mobility haunts the union organizing process for unorganized workers and collective bargaining over wages and benefits for workers already in unions.

Absent union representation, individual workers have neither the courage nor the power to overcome employer resistance to transferring their profits to workers' wages. Yet, without protection from employer threats of plant closing, workers in mobile industries remain constrained and intimidated from exercising their legal right to

organize into a union to bargain collectively for wage increases. And without the ability to organize significant numbers of workers in their industries, unions lack the market power to overcome employer threats to close all or part of the firm in response to union bargaining demands for increased wages.

In a 1996 study commissioned by the Labor Secretariat of the Commission for Labor Cooperation (NAALC), I found that under the cover of trade agreements and the need to stay competitive in the global economy, a majority of employers use the threat of plant closure and capital flight in organizing drives and at the bargaining table [see "We'll Close!," *Multinational Monitor*, March 1997].

Today, in the post-NAFTA climate of expanding trade agreements and skyrocketing levels of corporate migration, a majority of employers continue to make plant-closing threats during organizing campaigns, according to surveys collected from the lead organizers in 407 National Labor Relations Board (NLRB) certification elections in 1998 and 1999. This study, sponsored by the U.S. Trade Deficit Review Commission, found that plant-closing threats continue to be among the most powerful anti-union strategies, the survey data show. By several important measures, threats are even more pervasive than they were in 1993-1995, and the threat of capital mobility has discernibly affected union organizing strategies.

The survey data, which represent more than 5 percent of the 6,207 NLRB union certification elections in 1998 and 1999, is the largest comprehensive database on private sector union certification election campaigns to date.

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*Kate Bronfenbrenner is director of labor education research at the New York State School of Industrial Labor Relations at Cornell University. She is the author of "Uneasy Terrain: The Impact of Capital Mobility on Workers, Wages, and Union Organizing," a report submitted to the U.S. Trade Deficit Review Commission on which this article is based.*



## An Epidemic Of Plant-Closing Threats

**B**y the end of the 1990s, plant-closing threats had become an even more pervasive and effective component of employer anti-union strategies than in the immediate post-NAFTA period.

Consistent with the 1993-1995 period, 51 percent of all employers in 1998-1999 made threats to close all or part of the facility if the union was to win the certification election campaigns.

The overall threat rate, however, underestimates the extent that employers use plant-closing threats during organizing drives because it includes industries and sectors of the economy where threats to shut down or move facilities to another town or state and/or out of the country are much less prevalent and carry less weight simply because the industry or product is less mobile. While workers in an auto parts plant, textile mill or telecommunications call center can easily believe an employer's threat to move their jobs to Mexico or even Southeast Asia, an employer's threat to shut down and/or move has much less credibility for workers in a nursing home, retail store, social service agency or hotel.

Just under a third of the union certification campaigns in 1998 and 1999 were in manufacturing units, 42 percent were in services, 3 percent in retail, 11 percent in transportation and 9 percent in warehouse and wholesale distribution, with the remaining 5 percent in mining, construction, communications and utilities.

These numbers represent a significant change in organizing focus from the 1993-1995 period, when 43 percent of the campaigns were in manufacturing units and 28 percent were in services. These data reveal that unions are shifting their focus from organizing targets in industries with high plant closing threat rates, such as garment and textiles, electronics, communications and auto parts, toward less mobile industries such as health care, passenger transportation, social services, education and laundries.

UNITE, for example, which in past years has concentrated most of its efforts in organizing in textile and apparel manufacturing, where the threat rate is 100 percent and the percent of plant closings and jobs moved overseas from already organized units increases each year, has shifted its focus to laundries and distribution warehouses, where the threat rate is 50 percent and 43 percent and the ability of employers to move work out of the country is much more restricted. Similarly, the percentage of campaigns in the health care industry has doubled since the 1993-1995 study from 13 percent to 26 percent.

## THREATS AND THE LAW

**T**HE NATIONAL LABOR RELATIONS BOARD (NLRB) and the courts have held that employer threats to close the plant if the union succeeds in organizing can be unlawful under certain circumstances. For example, *Guardian Industries Corp. v. NLRB* held that it was unlawful for a supervisor to say to an employee, "If we got a union in there, we'd be in the unemployment line." However, under the "employer free speech" provisions of the Taft-Hartley Act, the courts have permitted the employer to predict a plant closing in situations where it is based on an objective assessment of the economic consequences of unionization.

While the Board and courts have made plant-closing threats illegal under certain circumstances, they have upheld the right of employers to completely shut down operations and go out of business for the purpose of avoiding unionization, if the shutdown is complete. Under this standard, partial shutdowns or the transfer or subcontracting of work to avoid unionization are not legal, but full shutdowns are.

When an employer is found guilty of making an unlawful threat of plant closure, the typical remedy is a cease and desist order coupled with the posting of a notice promising not to make such statements in the future. If the employer chooses to litigate the charge, it can take months and even years before such a remedy takes place. However, such notices do not state that the employer will not close the plant if the employees unionize, or even that it would be illegal for the employer to relocate its operations because employees unionized. They only indicate that the employer promises not to make further threats in the future. And, if the employer violates the cease and desist order and continues to make threats, further legal sanctions, such as contempt citations, are extremely rare, and take years to process through the courts.

In effect, the posting of the notice or even a cease and desist order can serve as a reminder and reinforcement of the earlier threat, advertising to all employees, in writing, that this employer has threatened to close the plant if the union wins.

Unlawful threats of a plant closing can also be the basis for setting aside the results of an election and calling for a new one. However, this occurred in only 11 percent of the campaigns with threats where objections were filed (only 14 percent of the cases where threats occurred), and normally only in the most egregious cases, where the plant-closing threats were clear and unambiguous and were coupled with numerous other egregious violations including repeated discharges, surveillance, threats and harassment of union activists and supporters. Unions were not able to win any of the rerun elections in our sample for campaigns where the employer had made plant-closing threats.

The strongest Board remedy in the aftermath of a union loss after plant-closing threats is to reverse the election and issue a certification and bargaining order, without requiring the union to go through a rerun. These are extremely rare, occurring in only one campaign in the 1998-1999 survey sample.

- K.B.

Forty-five percent of the campaigns with threats were concentrated in manufacturing units while only 27 percent were in service sector units. The plant-closing threat rate was lowest in industries such as social services (8 percent), entertainment (25 percent), health care (31 percent), passenger transportation (37 percent) and hospitality (33 percent), while it was 75 percent or higher in industries such as aerospace, auto and auto parts, electronics, food processing, garment and textiles, metal fabrication and production, household and recreational products, printing, communications and gas and electric utilities.

For the least mobile industries, such as health care and passenger transportation, the win rate for campaigns with threats averaged close to 60 percent. This rate contrasts sharply with the average win rate in campaigns with threats in much more mobile industries such as manufacturing (28 percent), communications (0 percent) and wholesale distribution (30 percent), reflecting how much less credible and effective plant-closing threats are in companies where workers feel it is unlikely, or much less likely, that employers will be able to follow through on the threat.

In mobile industries, employers made plant-closing threats in 68 percent of the campaigns in 1998-1999, a jump from the 62 percent threat rate for mobile industries in the 1993-1995 study. The plant-closing threat rate particularly increased in manufacturing industries (71 percent in 1998-1999 versus 64 percent in the 1993-1995 study), food processing (78 percent in 1998-1999 versus 21 percent in 1993-1995) and communications (100 percent in 1998-1999 versus 11 percent in 1993-1995).

## The Delivery

**E**mployers deliver threats to close plants in a variety of guises and through varied channels. Forty percent of employers facing union certification elections in 1998-1999 made veiled verbal threats, while 26 percent made specific unambiguous verbal threats. Thirteen percent of the employers made veiled written threats and 5 percent of the employers made specific unambiguous written threats.

Specific unambiguous written threats ranged from newspaper articles, videos and photographs of union plants that had closed to letters and leaflets which specifically mentioned plant closings. During a Sheet Metal Worker campaign at Gerald Industries in Gerald, Missouri, management posted a list of union companies that had closed and then sent a letter from the plant manager to all employees stating, "If our company cannot agree to union demands, which in our judgment will make us non-competitive, ... Gerald Industries may simply have to

shut down and go out of business."

In 9 percent of the elections and 18 percent of the campaigns with threats, employers made specific threats to move to another country, most often Mexico. Other threatened locations include Canada, Puerto Rico, China or an unspecified foreign country.

Mexican Industries, a leading auto parts supplier based in Detroit, Michigan, made the threat of moving to Mexico a central theme of its anti-union campaign. According to the NLRB, in 1999 the company's owner, managers, and first line supervisors made direct threats "that the plant would close and move to Mexico if employees voted for the UAW" (United Auto Workers) in a series of captive audience meetings and supervisor one-on-ones at three of their facilities involved in the organizing campaign.

Companies also made direct threats to transfer work to unorganized plants of the same company, both in the U.S. and abroad, if the union was successful. For example, during the Steelworkers' campaign at Valeo Sylvania, a vehicular lighting manufacturer that is part of a joint venture between Valeo Sylvania and the German multinational Siemens AG, managers continuously spoke to workers about their new facility' in Mexico. An entire product line had been sent to Mexico prior to the organizing drive and during the campaign the company sent equipment from the plant to Mexico, with the full knowledge of the employees.

Similarly, early in the UAW campaign at Mitsubishi Heavy Industries Climate Control in Franklin, Tennessee, a company management consultant discussed a plant that Mitsubishi was building in Mexico and the possibility of some work being transferred to that facility. During the last two weeks of the campaign, the company put up a poster under glass on a plant bulletin board showing an Indiana plant closed, with a lock on the gate and the caption, "This is what happened to hundreds of strikers in Indiana." In the last two weeks of the campaign, supervisors escalated the threats in individual conversations with workers, asking one worker, "Is your family ready to move to Mexico?"

For some campaigns, the mere existence of other sites and operations in other countries made specific mention of moving work to that country unnecessary. For example, according to the Steelworkers organizer of the 1998 campaign at Continental General Tire in Mt. Vernon, Illinois, management made threats in captive audience meetings and supervisor one-on-ones stating, "We are not competitive as a company and we can't

afford to pay the wages and benefits the union will impose on us. We will have to close, and we already have facilities overseas." The threats were effective because workers knew through rumors that several other General Tire plants were moving to Mexico at the time of the organizing campaign.

Ambiguous verbal and written threats tended to focus on examples of union facilities that had closed down or implications that the company would lose business or be unable to remain competitive in the global economy if the union was to win the election. During the Teamsters campaign at Premix in North Kingsville, Ohio, the company posted a list of "Ashtabula County Industrial and Employment Losses" with a caption: "Unionized plants do not secure jobs." During the Steelworkers' campaign at Excel Mining Systems in Marion, Illinois, the company circulated more than 30 newspaper clippings of the many Steelworker plants that had closed around the country over the past decade. The articles included sensational headlines such as "Final

Bell tolls for Flagg," "Kunkie workers 'devastated,'" "Bethlehem closes last hometown plant," and "Ala. Town loses coke plant; a main stay since 1912, processing facility lays off 300."

Employers also made threats that unionization would threaten existing contracts with customers or suppliers. In some cases, such as the UAW campaign at auto parts manufacturer ZF Industries, representatives from the customer or supplier company passed on the threat to employees.

### The Threat Aftermath

Union election win rates were significantly lower in units where plant-closing threats occurred (38 percent) than in units without plant closing threats (51 percent). Win rates were especially low (24 percent) in those campaigns where employers made specific threats to move to another country. Win rates were also significantly lower in mobile industries where the threat of closure was more credible. Overall, win rates in mobile industries aver-

## The Wide World of Anti-Union Tactics

By Kate Brofenbrenner

**T**HE OVERWHELMING MAJORITY of the employers in the 1998-1999 survey sample aggressively opposed the union's organizing efforts through a combination of threats, discharges, promises of improvements, unscheduled unilateral changes in wages and benefits, bribes, and surveillance.

Individually and in combination, these tactics were extremely effective in reducing union election win rates.

In addition to plant-closing threats, one in every four employers discharged workers for union activity, while 48 percent made promises of improvement, 20 percent gave unscheduled wage increases, and 17 percent made unilateral changes in benefits and working conditions. Sixty-seven percent of the employers held supervisor one-on-ones with employees at least weekly, 11 percent promoted union activists out of the unit, 34 percent gave bribes or special favors to those who opposed the union, 31 percent assisted an anti-union committee and 10 percent used electronic surveillance of union activists during the organizing campaign. Employers threatened to refer undocumented workers to the Immigration and Naturalization Service (INS) in 7 percent of all campaigns and in 52 percent of cases where undocumented workers were present in the unit.

Sixty-two percent of the employers in election campaigns ran anti-union

campaigns using more than five of the tactics listed, and 20 percent of the employers ran extremely aggressive campaigns using more than 10 tactics. Employers ran no campaign whatsoever against the union in only 3 percent of the campaigns, all of which were won by the union.

The election win rate drops to 36 percent for units where employers used more than five tactics, compared to 58 percent where they used fewer than five tactics.

However, in marked contrast to the 1993-1995 study where election win rates dropped to 28 percent when the employer used more than 10 anti-union tactics, in the 1998-1999 study win rates averaged 38 percent where they used more than 10 tactics compared to 46 percent where they used ten or fewer anti-union tactics. These data suggest that at a time when unions are running more aggressive and sophisticated campaigns, and where worker trust in corporations is declining, the aggressive anti-union behavior of employers may reach a point of diminishing returns in some units.

Threats of plant closing tend to occur in the context of other aggressive anti-union behavior by employers. Employers who make threats of plant closings are more likely to hire outside consultants, discharge union activists, hold captive audience meetings and supervisor one-on-ones, establish employee involvement committees during the organizing campaign, make unilateral changes in benefits and/or working conditions, use bribes and special favors, use electronic

surveillance, threaten to report workers to INS, and show anti-union videos.

While employers used five or more anti-union tactics in 62 percent of the elections, the percentage of election campaigns with threats where they used more than five tactics was 78 percent. Similarly, the percentage of elections with threats where employers used more than 10 anti-union tactics was 29 percent, compared to 10 percent of campaigns without threats.

Although win rates overall were lower in campaigns with plant-closing threats, the negative impact of plant closing threats on the election win rate decreases as the number of anti-union tactics used by the employer increases.

Thus the win rate for campaigns with threats where the employer used more than five tactics was 34 percent and 50 percent when they use five or fewer tactics.

Yet, the win rate increased to 38 percent in campaigns with threats where the employer used more than 10 tactics, compared to a 37 percent win rate in campaigns with threats where they used 10 or fewer anti-union tactics.

These findings suggest that the more the plant-closing threat appears to workers to be just one more tactic in the arsenal of the employer's anti-union campaign, the less credible the threat becomes to the workers being organized, and the less impact it has on their vote for or against the union.

— K.B

aged 34 percent compared to a 54 percent win rate for immobile industries, while in campaigns in mobile industries with threats the win rate averaged 32 percent, compared to a 46 percent win rate in immobile industries with threats.

Even in campaigns in mobile industries without threats the win rate averaged only 37 percent, in contrast to immobile industries without threats, where the win rate averaged as high as 58 percent. These numbers suggest that in mobile industries such as manufacturing, communications, wholesale distribution and some business services, the threat of capital mobility need be neither spoken nor written to have an impact. Workers in industries such as textiles, electronics, telecommunications, food processing or computer technical support do not need any reminder from their employers that they work in an insecure industry where companies shut down and move in search of lower labor costs, higher profits and a non-union work-force. Similarly, at the largest multinational companies, such as Mitisubishi, Pepsico, Royal Dutch Shell, Owens Corning, Georgia Pacific, Pratt and Whitney or Siemans AG, 'workers did not need a direct plant closing threat to worry that these companies might move all or part of their work to sites in Asia, Latin America, Africa, Europe or Canada. An increase in shipments to other countries or a visit from company officials from other countries could serve as a very credible threat of plant closure during an organizing campaign.

Where workers ignore plant-closing threats and vote in a union, employers now appear to rarely deliver on their threats. Of the original 407 campaigns in the 1998-1999 survey sample, in five campaigns the employer shut down all or part of the plant after the election was won.

In another five campaigns, the employer shut down all or part of the plant after the election was lost. This brings the total number of full or partial plant closings since the elections took place in 1998-1999 to 10 (less than 3 percent). This is substantially lower than the 15 percent of units in the 1993-1995 sample which had closed within three years of the election being held, most likely because not enough time has passed since the 1998-1999 elections to assess the actual post-election plant closing rate.

Yet, given the dramatic increase in plant closing threats in more mobile industries, it is very telling that so few firms have yet to follow through on their threat to close down all or part of their operations in response to the union campaign.

## Cultivating Insecurity

Capital mobility and the threat of capital mobility have had a profound impact on the ability of U.S. workers to exercise their rights to freedom of association and collective bargaining. Despite strategic initiatives by many unions to target their organizing activity in industries and firms less vulnerable to global markets, the majority of all employers continue to threaten to shut down all or part of their operations if workers try to organize. In industries such as manufacturing, communications and wholesale distribution, where the rate of capital mobility in and out of the country skyrocketed in the second half of the 1990s, the proportion of employers making plant-closing threats during organizing campaigns has risen to more than 70 percent.

The data suggests that most workers take even the most veiled employer plant-closing threats very seriously. When combined with other anti-union tactics of employers, as they are in the overwhelming majority of employer campaigns, plant closing threats are extremely effective in undermining union organizing efforts, even in a context where the majority of workers in the unit seem predisposed to support the union at the onset of the organizing campaign. These workers cannot be certain of what the data show—namely that the vast majority of employers have no intention of shutting down their operations if the union wins the election, but rather that plant-closing threats are just one more extremely effective tactic in their arsenal against union organizing campaigns.

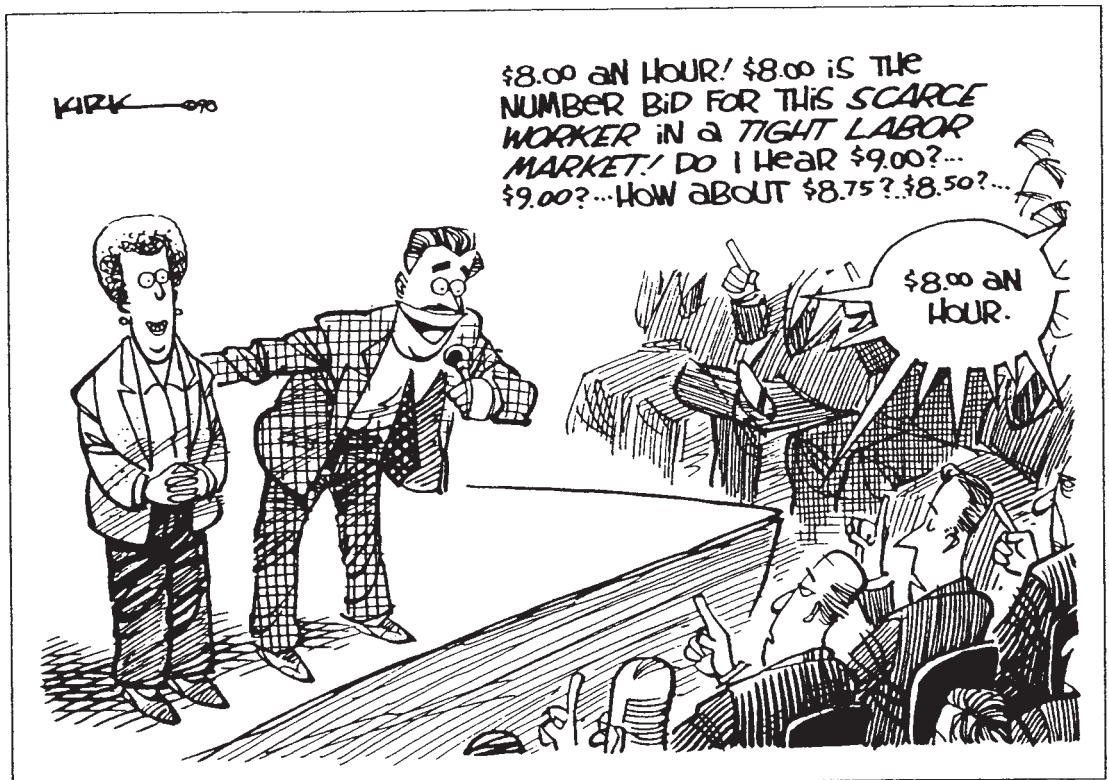
For more than three-quarters of the certification election campaigns in the 1998-1999 data sample, unions filed for the election with at least 60 percent of the unit signed up on cards indicating their support for a union. With election win rates averaging only 44 percent and first contract rates averaging under 70 percent, fewer than 30 percent of the 76,833 workers involved in the elections ended up being covered under a collective bargaining agreement.

Yet, because this research focuses on organizing campaigns where the union was able to gain enough support from bargaining unit members to petition the NLRB for a certification election, these data cover only a fraction of those workers who want a union but are unable to achieve one. They do not include the many organizing campaigns that never get to the point where a petition is filed because of the chilling effect of aggressive employer opposition. Nor does it include the many campaigns where the union withdrew' the petition before the

election was held because the employer campaign had so intimidated the workers that the union had lost all hope of winning the election. Thus the data presented here understate the full extent and impact of employer plant-closing threats during the organizing process. Nor does the data capture the magnitude of the effect that plant closings during or after organizing campaigns have on other workers who contemplate bringing a union into their workplaces.

Thirty years ago, industrial jobs benefited most from tight labor markets and helped drive the economic expansion. But today workers in these industries operate in the shadow of the economic boom, sharing in little, if any, of its fruits. They work even longer hours in workplaces beset by serious job injury and health problems, with declining pay, few benefits and little security. Many are recent immigrants from Latin America and Asia, or women, or both, and few have the skills or education needed to transfer to better jobs in the "new economy." They are the workers who would benefit most from the collective power and voice that a union provides. Yet, in a climate where capital mobility and the threat of capital mobility are driving unions to seek targets in less mobile industries, these are the workers who are most likely to be left behind.

Not only industrial workers face threats of job loss and plant closings if they attempt to organize. More than half of all employers across a wide range of industries use these threats as part of their anti-



union strategy. While a nursing home, hotel or retail store is unlikely to move to Mexico, it can be merged with or acquired by another company, have work contracted out, or shut down to reopen in another facility or another town.

The cost of these plant closings and threats of plant closings in response to unionization goes well beyond broken unions and failed organizing campaigns and first contract campaigns.

Absent intensive efforts to organize the nation's most mobile industries, density will plummet further, causing working conditions to worsen even more, as workers lose their only hedge against the worst effects of the global economy.

And, absent any hope of collective power to demand real improvements in wages and benefits, more reasonable hours and pace of work, and long term job protections, workers' insecurity about their position in the current economy and their prospects for the future will continue to rise.

**Multinational Monitor December 2000**



A large, stylized number '5' in a dark gray color, positioned on the right side of the page. The number is composed of several thick, rounded strokes. The top horizontal bar is slightly angled upwards to the right. The vertical stem is on the left, and the bottom curve is a thick, sweeping arc that ends in a rounded tip pointing towards the left.

L e s s o n   f i v e

Your Rights In the  
Workplace: Fast Food  
Scenario & What are  
Your Rights on the Job?





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## TEACHER'S INSTRUCTIONS: Your Rights in the Workplace

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### Fast Food Scenario & What Are Your Rights on the Job?

The **objective** of this 2-3 hour lesson is for students to learn what rights they have and do not yet have in the workplace, and to envision what challenges still remain for them as future workers. Students will learn the limitations of the *U.S. Constitution, which protects private property and individual citizens from government abuse, but not employees from abuse of employers* in the workplace. More importantly, students will also learn that minimum wage and maximum work hours, the end of child labor, and other significant workplace protections came as a result of decades of workers' struggles which created the labor laws we enjoy in the U.S. today. Lastly, students will see that, in comparison to other industrialized nations, U.S. labor laws are weak. And in order to ensure better treatment for themselves as workers, they will need to participate in the democratic process by lobbying for new laws and organizing unions.

### *Time Required*

3 Class Periods

### *Procedure*

#### *Day 1*

1. Distribute and read **Student Assignment #1, Fast Food Scenario**, and read together as a whole class. Tell students to highlight actions of the employer that might be violations of a worker's constitutional rights. Following the reading, the teacher should review the scenario with students line by line for possible violations, as follows, and complete column 1, "Employer's Action" as a class. Students function now in the role of labor lawyers preparing to represent the fast food workers in court.

<b>Employer's Action</b>	<b>Possible Violations of U.S. Constitution, Amendment # ____ "..."</b>
• Put cross necklace away	
• Owner orders worker to remove button	
• Stop bringing magazines	
• Searches lockers	
• Orders stop complaining	
• Guilty of theft (if disagree)	
• Threatens to punish (fire)	

2. Have students *work in pairs* as "law partners" to complete the second column of the handout, using **Student Reference #1. Your Constitutional Rights: Amendments to the U. S. Constitution**. Do an example with students to get them started, and **instruct them to quote the relevant words**. If students think that no workers' rights are violated, instruct them to find what amendment(s) would protect the employer's actions. (See property rights in 5th and 14th Amendments). Remind students that they are now labor lawyers searching for language to support the workers (not the employer) in a possible law suit.

#### **Example:**

<b>Employer's Action</b>	<b>Possible Violations of U.S Constitution, Amendment # ____: "..."</b>
Put cross necklace away	Amendment #1 "Freedom of Religion"

3. After students complete their work, briefly discuss with entire class which constitutional rights may have been violated. Some possible answers include:

• hide jewelry-cross	1st Amendment—"freedom of religion"
• Remove button	1st Amendment—"freedom of speech"
• stop magazines	1st Amendment—"freedom of press" or 4th—"to be secure in their...papers"
• search lockers	4th Amendment—"right to be secure...from...search"
• complaining in employee's lounge	1st Amendment—"right to... assemble" and "freedom of speech" and "petition"
• guilty of theft	5th Amendment—innocent until proven guilty and "due process" (also in 14th), & 6th Amendment—"right to a...trial..."
• threat of firing	8th Amendment—"nor cruel... punishment"

4. After this discussion, compliment students for their creative research efforts into the Constitution as "labor lawyers". Then, instruct students that none of their answers are correct — our Constitutional rights contained in the Amendments do not apply to abuses by employers because of one simple word. Have them look for clues in the First Amendment, ("Congress shall make no law ..."), or in the 5th Amendment, (. . . "in all criminal prosecutions. . .)

You will then need to explain that constitutional rights are basic rights protected by the U.S. Constitution when it was created in 1790. The business **owner has not violated any Constitutional rights since the Constitution was designed to protect individual citizens from abuse by the government, not from employers.** Since most Americans were farmers, self-employed, or slaves, and there were no fast food chains or corporations of any kind in 1790, (before the industrial revolution), the "founding fathers" did not perceive the need to protect wage-earning workers from employer abuse.

Since workers' rights are not protected by the Constitution, explain to students that **unions have been the major force in the twentieth century to protect workers through union contracts, collective bargaining, as well as, lobbying Congress and state legislatures to enact pro-labor legislation.** Show students that "our rights" exist in a pyramid structure like this, and include all laws, decisions and contracts subsequent to 1787:



## Day 2

1. If possible, use Part 1 from the **CFT video series, *Golden Lands, Working Hands*** to show students how workplace rights, such as minimum wage, the 8-hour work day, the right to overtime, as well as the right to organize unions were won. (This video is included in the National Collective Bargaining Education Project Video Resources videotape.)

In this first segment titled, "Step by Step", ask students to see if they can identify where workplace rights originated (if not from the U.S. Constitution) as they watch. Post-viewing questions include:

- *What did the film show you about how workers were able to win specific rights, such as minimum wage, the 8-hour day, and overtime in the state of California?*

- You saw some examples of employers' abuse of workers in the video. What were they? Why do you think some employers continue to violate workers' rights, despite laws which exist to protect workers?
- What lessons can we learn from California history about what each generation of workers must do, in order to preserve and extend their rights in the workplace?

Contact Fred Glass at CFT for more information on this important new resource on California working people's history. Designed for high school students, both the video and text of *Golden Lands, Working Hands*, reveal fascinating and sometimes rare images of California workers at the center in creating their own history, despite enormous challenges. Contact CFT (California Federation of Teachers) at: 1 Kaiser Plaza, Suite 1440, Oakland, CA 94612; Telephone: (510) 832-8812, for a complete video series and guide.

2. Distribute **Student Reference Handout #2, American Labor Union Achievements: A Partial List**, read aloud the information in the column on the left about hours, wages, benefits, and social legislation. Pair students to choose an achievement in each category and explain how it relates to their lives today. Next, have students take the following notes on the back of the handout, which they will use later to complete the next activity:

### *Landmarks in U.S. Labor Law in the Twentieth Century*

1935	<b><i>Social Security Act and Unemployment Compensation Act</i></b>	Employers must contribute toward elderly, disabled, orphans', and unemployment benefits.
1935	<b><i>National Labor Relations Act</i></b>	Employers must bargain with a union if elected by the workers. Furthermore, they cannot fire or discriminate against workers who organize or participate in union activities. NLRB conducts union elections when 30% of workers sign union cards.
1938	<b><i>Fair Labor Standards Act</i></b>	Employers must pay minimum wage to workers, and must pay "overtime" (1 1/2 times the regular hourly rate) after maximum hours (40 hours/week).
1949	<b><i>Child Labor Act</i></b>	Employers are not permitted to hire workers under age 16, with some exceptions, and work hours are restricted.
1964	<b><i>Civil Rights Act, Title 7</i></b>	Employers cannot discriminate against workers on the basis of race, nationality, religion, gender, age, or disability. (Or sexual orientation, in California.)
1970	<b><i>Occupational Safety and Health Act (OSHA)</i></b>	Employers must meet government health and safety standards, and provide workers with training and safety equipment.
1994	<b><i>Family Leave and Medical Act</i></b>	Employers must provide 12 week <i>unpaid</i> leave for birth of a child, serious illness, or elder care.

3. Tell students to work in pairs and use these notes in order to complete **Student Assignment #2: What Are Your Rights On The Job?**. Continue to Day 3 if necessary. When students are finished, be sure to discuss the correct answers, and here are some points to bring out in the body of the discussion:

- **there is a difference between what is unfair and what is against the law.**

- **the rights of private property owners derive from the Constitution. (Amendments 5 and 14).**
- **owners have the right to do as they please on their own property, unless restricted by law.**
- **workers' rights have been won primarily by workers themselves, particularly through unions.**
- **additional workplace rights and protections still need to be fought for, especially in the areas of hours, wages, health care, vacations, due process, etc.**

### *Answer key for Student Handout #2: What Are Your Rights On the Job?*

- #1. **Yes.** There is no constitutional or congressional protection from discrimination against a person's dress or appearance, (unless it is based on race or religion, which would violate the 1964 Civil Rights Act, Title 7.)
- #2. **No.** While the employer may be treating some of his workers unfairly, it is not against the law to do so. It would only violate the law if your wages were cut to below the minimum wage. A union contract is needed for employees to gain seniority rights. However, if the person is always being passed over for a raise were women or people of color, this would also constitute a violation of the Civil Rights Act, Title 7.
- #3. **Yes.** No law exists entitling workers to paid or unpaid vacations in the U.S., although this is the case in several European nations such as Germany and Denmark (6 weeks!). However, since Sue did make a verbal contract with you that day, you could try to enforce it by taking her to small claims court, although it would be difficult to enforce without a witness.
- #4. **No.** According to OSHA, you must have adequate safety training. You also have the right to refuse work that is immediately dangerous to your health or safety, in California. (Workers under the age of 18 are not permitted to work powered equipment of any kind, including driving a car.)
- #5. **Yes.** Although no legal protection exists, you could try a collective action, like a petition. However, without a union contract, there is no protection from retaliation by the owner.
- #6. **No.** This looks suspicious as gender discrimination, and a violation of the Civil Rights Act, Title 7— you would contact the Equal Employment Opportunity Commission to file a complaint. And when a **pattern of discrimination** can be documented, the case will be even stronger.
- #7A. **Yes.** No laws exist to stop employers from adding work assignments (with no additional pay). A union contract (that adds additional pay for additional work) is needed to prevent this kind of abuse.
- #7B. **No.** Without the protection of a union contract, you do not have the right to a hearing. Unions always have a contract clause with employers to provide for a *grievance procedure* when a worker has a complaint. Union grievance procedures entitle workers to hearings with union representation, and a binding decision by a neutral arbitrator. Note: In Italy, the 1970 Workers Statute entitles a worker to a hearing in a court of law if s/he believes termination is unfair. Judge may award the job back or a money settlement.

4. Distribute **Student Reference Handout #3: Are You A Working Teen?** to students. (Note the alternative reference page 4 can be used to add your local phone numbers.) This can be used as an individual or group assignment, and has review questions following the reading (**Student Assignment #3: Check Your Understanding**). Discuss answers in class. **Student Reference #4: Unions: Why Are They Important?** is an additional follow-up reading for discussion.

## STUDENT ASSIGNMENT #1: Fast Food Scenario

**Reading Instructions:** As you read the following scenario, highlight or underline actions of the employer that you think could be violations of a worker’s constitutional rights.

Let’s suppose that you work in a fast food restaurant. And let’s also suppose that the owner discovers that counter supplies and food are missing and that he suspects that one or more of his employees are stealing from him.

One day soon after, he arrives at work in a particularly bad mood and orders you to remove the button you are wearing which says, “Give Peace a Chance.” In addition, he demands that one of your co-workers put her necklace in the shape of a cross inside her uniform. A third worker is told to stop bringing magazines to work. Later the same afternoon while you are tending the counter, the owner goes to the back of the kitchen area and searches your lockers for evidence of the missing goods.

During a subsequent break, he overhears you and your co-workers in the employee’s lounge talking about his actions. He tells you to stop complaining, and adds that anyone who disagrees with his policies must be guilty of the thievery he has discovered. Those who disobey his orders will be fired immediately. Has the owner violated the constitutional rights of you and your co-workers? If so, which ones?

**Activity Instructions:** Now, acting as a “labor lawyer” for the fast food workers described above, list the employer’s actions which you think may have violated the workers’ constitutional rights on the *left* side of the chart below. Then use **Student Reference #1 “Your Constitutional Rights: Amendments to the U.S. Constitution”** to determine which specific rights were violated, and complete the *right* side of the chart with your law partner by putting the relevant words “in quotes”. Remember, your job here is **not** to defend the employer, but to search for language in the **Bill of Rights** to support the workers in a possible court case.

<i>Employer’s Action</i>	<i>Possible Violations of U.S. Constitution, Amendment # ____: “_____”</i>

***“Your Constitutional Rights: Amendments to the U.S. Constitution”  
Abridged Text for Amendments 1-10, 13 and 14***

**1st Amendment.** *Freedom of Religion, Speech, Press, Assembly, and Petition.*

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

**2nd Amendment.** *Bearing Arms*

A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

**3rd Amendment.** *Quartering of Troops.*

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor, in time of war, but in a manner to be prescribed by law.

**4th Amendment.** *Searches and Seizures.*

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath of affirmation, and particularly describing the place to be searched and the persons or things to be seized.

**5th Amendment.** *Criminal Proceedings; Due Process; Eminent Domains.*

No person shall be held to answer for a capital, or otherwise infamous, crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war, or public danger; nor shall any person be subject, for the same offence, to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

**6th Amendment.** *Criminal Proceedings.*

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

**7th Amendment.** *Civil Trials.*

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact, tried by a jury, shall be otherwise re-examined in any court of the United States than according to the rules of the common law.

**8th Amendment.** *Punishment for Crimes.*

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

**9th Amendment.** *Unenumerated Rights.*

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

**10th Amendment.** *Powers Reserved to the States.*

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

**13th Amendment.** *Slavery and Involuntary Servitude.*

**Section 1.** Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

**Section 2.** Congress shall have power to enforce this article by appropriate legislation.

**14th Amendment.** *Rights of Citizens.*

**Section 1.** All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

**Section 2.** Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear the whole number of male citizens twenty-one years of age in such State.

- 1825 Carpenters strike in Boston for 10 hour day.
- 1840 Executive Order establishes 10 hour day for federal employees.
- 1850 Ohio law limits hours for women to 10 hours a day.
- 1868 California law establishes 8 hour day; proves unenforceable in Depression of 1870s.
- 1869 National Labor Union gets federal government to adopt 10 hour day.
- 1886 National General Strike for 8 hour day.
- 1911 California legislature passes 8 hour day for women.
- 1916 Adamson Act establishes 8 hour day on railroads.
- 1937 United Steelworkers Union negotiates 8 hour day, 40 hour week.
- 1938 Fair Labor Standards Act sets 8 hour day, 40 hour week.
- 2000 California reinstates time and a half for more than 8 hours work a day.

**Hours**

Hours of work have always been a battlefield between workers and bosses. Early unions opposed 14 to 16 hour workdays common into the 19th century. Knights of Labor fought for a ten hour day in 1880s. Steel industry unions struck against 12 hour day in 1919. AFL supported 8 hour day in 1926. 40 hour week became common practice by late '30s, with states allowed by federal law to set higher standards.

**Wages**

Unions advocated for wage increases to keep pace with the economy; lobbied for minimum wage laws. Large industrial unions gained substantial increases affecting wages for all workers.

- 1909 Hourly earnings average 19¢.
- 1938 Federal minimum wage set at 25¢.
- 1948 UAW gains cost of living escalator.
- 1950 Minimum wage 75¢.
- 1960 Hourly earnings average \$2.26.
- 2000 Federal Minimum wage \$5.75.

**Benefits**

Early benefit plans were financed and administered by workers' organizations or companies. Due to wage freeze during World War II, unions negotiated for fringe benefits, beginning practice that continues to the present. Due to union pressure, employers are required by law to negotiate on employee benefits plans with benefit providers.

- WWII Kaiser shipyard union gains health benefits.
- 1946 United Mine Workers win health and welfare fund.
- 1949 Steelworkers negotiate health and welfare fund.
- 1950 United Auto Workers negotiate Pension Plan.
- 1955 United Auto Workers negotiate Supplemental Unemployment Benefits (SUB).

**Social Legislation**

Unions have been active in politics for 150 years. Through lobbying, political campaign contributions and organized grassroots political activities, unions have forced the passage of legislation that protects all working people.

- 1911 Workmen's Compensation Law in California.
- 1935 Social Security Act
- 1935 National Labor Relations Act.
- 1938 Fair Labor Standards Act
- 1959 Fair Employment Practices Act in California.
- 1964 Civil Rights Act
- 1965 Medicare
- 1971 Occupational Safety & Health Act
- 1994 Family Medical Leave Act.



**STUDENT ASSIGNMENT #2: What Are Your Rights on the Job?**

Page 1 of 2

**H**ow much do you know about your rights on the job? If you're not yet working, you most likely will be in the near future, and knowing your rights may make a difference in whether or not you receive fair and just treatment from your employer. In this case, knowledge is power.

**Student Instructions:** Work with a partner and use the notes you took on laws created by Congress to protect workers in the areas of hours, wages, benefits, and social legislation to complete the following questions. If you think an action is against the law, you must name the law that has been violated in order to receive full credit, in the space provided. Note that this activity presumes that each workplace referred to does not have a union (contract), which strengthens the workers' rights. After you finish, your teacher will review the answers with the class.

**1.**

You have your hair cut in the latest style and all of your friends think it looks great. When you show up for your job as a cashier at a fast food restaurant the manager says, "What did you do to your hair? I'd never let a child of mine look like that. Change it or you are fired!"

**Does the manager have the right to fire you because of your hair?**

- Yes, because it's not against the law, nor is there a union contract.
- No, because it's against the law: \_\_\_\_\_

**2.**

When you started your job you were paid \$10 an hour. Two years later you still haven't gotten a raise, but some of the new employees are being paid \$12 an hour.

**Does the company have to give you a raise?**

- No, because it's not against the law, nor is there a union contract.
- Yes, because it's against the law: \_\_\_\_\_

**3.**

When you were hired to work at Sue's Ice Cream store, Sue said you would get a week of paid vacation. A month later, two days before you're about to leave for your vacation, Sue says that she's not going to pay you if you go on your vacation.

**Can Sue take away your paid vacation?**

- Yes, because it's not against the law, nor is there a union contract.
- No, because it's against the law: \_\_\_\_\_

4.

You are 18 years old and you work behind the deli counter at the local supermarket. One day the person who slices the meat is out sick. The manager tells you to operate the meat slicer, and gives you 10 minutes of training which you think is not enough.

**Do you have to work the slicer?**

- Yes, because it's not against the law, nor is there is union contract.
- No, it's against the law: \_\_\_\_\_

5.

Five of you work in a warehouse loading and unloading trucks. To make the work go faster, you all bring in your favorite cassettes and play them during your shift. One day the boss says, "I hate your music and, from now on, we are listening to Frank Sinatra and any other music I enjoy."

**Does the boss have the right to decide what music you listen to at work?**

- Yes, because it's not against the law, nor is there a union contract.
- No, it's against the law: \_\_\_\_\_

6.

You are a woman with six years experience as head cashier at Super-X super market. You applied for a promotion to assistant manager when the position became vacant, but a male employee with less experience was promoted to the job instead.

**Does the boss have the right to promote whomever he wants to be the assistant manager?**

- Yes, because it's not against the law, nor is there a union contract.
- No, it's against the law: \_\_\_\_\_

7.

Your boss has told you to do the job of a co-worker who did not report for work in addition to your regular assignment. You tell your boss that this is not part of your job. Your boss charges you with insubordination and suspends you for three days from work without pay.

**a. Can your supervisor suspend you for this?**

- Yes, because it's not against the law, nor is there a union contract.
- No, it's against the law: \_\_\_\_\_

**b. Do you have a right to a hearing at which you can defend yourself?**

- No, because it's not against the law, nor is there a union contract.
- Yes, because otherwise it's against the law: \_\_\_\_\_

# Are You a Working Teen?



## Protect Your Health Know Your Rights

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Labor Occupational Health Program  
University of California, Berkeley  
revised by UCLA-LOSH and the L.A. Collective Bargaining Education Project  
2001

## ARE YOU A WORKING TEEN?

### *Could I Get Hurt or Sick on the Job?*

Every year 70 teens die from work injuries in the United States. Another 64,000 get hurt badly enough that they go to a hospital emergency room.

Here are the stories of three teens:

- 18-year-old Sylvia caught her hand in a electric cabbage shredder at a fast food restaurant. Her hand is permanently disfigured and she'll never have full use of it again.
- 17-year-old Joe lost his life while working as a construction helper. An electric shock killed him when he climbed a metal ladder to hand an electric drill to another worker.
- 16-year-old Donna was assaulted and robbed at gunpoint at a sandwich shop. She was working alone after 11 p.m.

Why do injuries like these occur? Teens are often injured on the job due to unsafe equipment, stressful conditions, and speed-up. Also they may not receive adequate safety training and supervision. Teens are much more likely to be injured when they work on jobs they are not allowed to do by law.

### *What Are My Rights on the Job?*

*By law, your employer must provide:*

- A safe and healthful workplace.
- Training about health and safety, including information on chemicals that could be harmful to your health.
- Protective clothing and equipment.
- Payment for medical care if you get hurt or sick because of your job. You may also be entitled to lost wages.
- At least the minimum wage, \$6.75 an hour in California as of January, 2002. In some cases, employers can pay less than minimum wage during your first three months, if you are under 18. Call toll-free ☎ 1-888-275-9243 for more information.

**You also have a right to:**

- Report safety problems to Cal/OSHA.
- Work without racial or sexual harassment.
- Refuse to work if the job is immediately dangerous to your life or health.
- Join or organize a union.

## What Hazards Should I Watch Out For?

Type of Work	Examples of Hazards
Janitor/Clean-up	<ul style="list-style-type: none"> <li>• Toxic chemicals in cleaning products</li> <li>• Blood on discarded needles</li> </ul>
Food Service	<ul style="list-style-type: none"> <li>• Slippery floors</li> <li>• Hot cooking equipment</li> </ul>
Retail/Sales	<ul style="list-style-type: none"> <li>• Sharp objects</li> <li>• Violent crimes</li> </ul>
Office/Clerical	<ul style="list-style-type: none"> <li>• Heavy lifting</li> <li>• Stress</li> <li>• Harassment</li> <li>• Poor computer work station design</li> </ul>

***Is It OK to Do  
Any Kind of Work?***

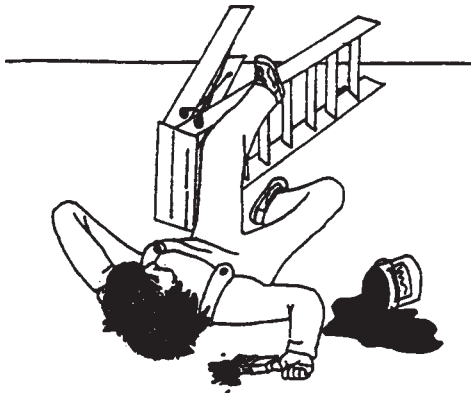
**No!** There are laws that protect teens from doing dangerous work.

In California no worker under 18 may:

- Drive a motor vehicle or forklift on the job
- Use powered equipment like a circular saw, box crusher, meat slicer, or bakery machine
- Work in wrecking, demolition, excavation, or roofing
- work in logging or a sawmill
- Handle, serve, or sell alcoholic beverages
- Work where there is exposure to radiation

***Also, no one 14 or 15 years old may:***

- Do baking or cooking on the job (except at a serving counter)
- Work in dry cleaning or a commercial laundry
- Work on a ladder or scaffold
- Do building, construction, or manufacturing work
- Load or unload a truck, railroad car, or conveyor

***Are There Other Things I Can't Do?***

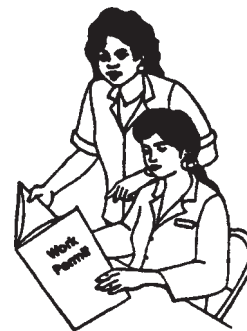
**Yes!** There are many other restrictions regarding the type of work you can and cannot do.

If you are under 14, there are even stricter laws to protect your health and safety.

Check with your school counselor or job placement coordinator to make sure the job you are doing is allowed.

***Do I Need A Work Permit?***

**Yes!** If you are under 18 and plan to work, you must get a work permit from your school (unless you have graduated).

***What Are My Safety  
Responsibilities on the Job?***

***To work safely you should:***

- Follow all safety rules and instructions
- Use safety equipment and protective clothing when needed
- Look out for co-workers
- Keep work areas clean and neat
- Know what to do in an emergency
- Report any health and safety hazards to your supervisor

**Should I Be Working This Late or This Long?**

Child labor laws protect teens from working too long, too late, or too early. This table shows the hours teens may work. (There are exceptions for students in work experience programs.)

Work Hours for Teens		
	Ages 14 & 15	Ages 16 & 17
<b>Work Hours</b>	<ul style="list-style-type: none"> <li>• Not before 7 am or after 7 pm during the school year</li> <li>• Not during school hours</li> <li>• 7 am-9pm during the summer</li> </ul>	<ul style="list-style-type: none"> <li>• Not before 5 am or after 10 pm on school nights</li> <li>• Not before 5 am or after 12:30 am when there is no school the next day.</li> </ul>
<b>Maximum Hours When School Is in Session</b>	<ul style="list-style-type: none"> <li>• 18 hours a week; but not over: 3 hours a day on school days</li> <li>• 8 hours a day Saturday-Sunday and holidays</li> </ul>	<ul style="list-style-type: none"> <li>• 48 hours a week; but not over: 4 hours a day Monday-Thursday</li> <li>• 8 hours a day Friday-Sunday and holidays</li> </ul>
<b>Maximum Hours When School Is not in Session</b>	<ul style="list-style-type: none"> <li>• 40 hours a week</li> <li>• 8 hours a day</li> </ul>	<ul style="list-style-type: none"> <li>• 48 hours a week</li> <li>• 8 hours a day</li> </ul>



**What If I Need Help?**

- Talk to your boss about the problem.
- Talk to your parents, teachers, or work-experience coordinator.
- For health and safety advice, contact UCLA's Labor Occupational Safety and Health Program. Many materials are available in Spanish. UCLA-LOSH Program: (310) 794-5964 www.losh.ucla.edu
- If necessary contact one of these government agencies: (your local number can be found in the State Government pages.)
  - ◆ **Labor Standards Enforcement** (under Industrial Relations Dept.) to make a complaint about wages or work hours. Labor Commissioner's Office: (213) 620-6330 www.dir.ca.gov
  - ◆ **Minimum Wage** questions: (888) 275-9243
  - ◆ **Cal/OSHA** (under Industrial Relations Dept.) --for information about making a health and safety complaint. Regional Office: (818) 901-5730 www.dir.ca.gov
  - ◆ Questions about on-the-job injuries, call **Workers' Compensation:** (800) 736-7401
  - ◆ **Fair Employment and Housing**--to make a complaint about sexual harassment. 1-800-884-1684 www.dfeh.ca.gov or call the **EEOC** (federal Equal Employment Opportunity Commission): (213) 894-1000
  - ◆ For information about **unions** in all occupations, call **L.A. County Federation of Labor:** (213) 381-5611 www.launionafclcio.org
  - ◆ For more advice on **workplace rights** and responsibilities, call the **Collective Bargaining Education Project** (of the Los Angeles Unified School District and United Teachers Los Angeles). (213)386-3144 cbep@lausd.k12.ca.us see also www.youngworkers.org

**You have a right to speak up!**  
It is illegal for your employer to fire or punish you for reporting a workplace problem.

### Should I Be Working This Late or This Long?

Child labor laws protect teens from working too long, too late, or too early. This table shows the hours teens may work. (There are exceptions for students in work experience programs.)

Work Hours for Teens		
	Ages 14 & 15	Ages 16 & 17
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Maximum Hours When School Is in	<ul style="list-style-type: none"> <li>• 18 hours a week; but not over:</li> <li>• 3 hours a day on school days</li> <li>• 8 hours a day Saturday-Sunday and holidays</li> </ul>	<ul style="list-style-type: none"> <li>• 48 hours a week; but not over:</li> <li>• 4 hours a day Monday-Thursday</li> <li>• 8 hours a day Friday-Sunday and holidays</li> </ul>
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### What If I Need Help?

- Talk to your boss about the problem.
- Talk to your parents or teachers.
- For health and safety information and advice, call: \_\_\_\_\_
- If necessary contact one of these government agencies: (your local number can be found in the State Government pages.)
  - ◆ Labor Standards Enforcement to make a complaint about wages or work hours  
\_\_\_\_\_.
  - ◆ To make a complaint about sexual harassment or race/sex discrimination. Call EEOC Equal Employment Opportunity Commission  
\_\_\_\_\_  
or \_\_\_\_\_.
  - ◆ OSHA Regional Office  
\_\_\_\_\_ (health and safety complaints).
  - ◆ Workers' Compensation (800) 736-7401 (on the job injuries). \_\_\_\_\_.

**You have a right to speak up!**  
It is illegal for your employer to fire or punish you for reporting a workplace problem.

For information about unions in all occupations, call—the County Federation of Labor, AFL-CIO \_\_\_\_\_.  
[www.aflcio.org](http://www.aflcio.org)



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## STUDENT ASSIGNMENT #3: Check Your Understanding—Questions on the Factsheet

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*Page 1 of 2*

1. Who is responsible for keeping the workplace safe and healthy?
2. Are teens allowed to drive a motor vehicle on the job?
3. Who pays for your medical care if you get hurt or sick because of your job?
4. Can 16 year olds work on ladders or scaffolds?
5. Are teens allowed to work with restaurant equipment like slicers or bakery machines?
6. Who is responsible for supplying safety equipment and protective clothing?
7. Who is responsible for using safety equipment and protective clothing?
8. If you are over 18 years old but still in high school, do you need a work permit?



9. If you graduated from high school but are still under 18, do you need a work permit?
  
10. If you are 15 years old, how late in the evening can you work during the school year?
  
11. What are four things you can do if you need help with a problem at work?
  
12. Who can you call to complain about a health and safety problem at work?
  
13. Can you be fired for reporting a health and safety problem at work?
  
14. Can your employer pay you less than the minimum wage?
  
15. Who can you call if your employer doesn't pay you the minimum wage or makes you work too many hours?
  
16. Who should you call if you are a victim of sexual harassment or discrimination on the job?

# UNIONS • Why Are They Important?

A union is an organization of workers who decide to join together so they will have a greater say about their wages, hours and working conditions. Under U.S. law, workers have the right to join a union. Despite this right, some employers use questionable, and even illegal, tactics to prevent workers from organizing.

## How do unions represent workers?

### **“How do unions negotiate working conditions with employers?”**

Union members negotiate a contract with their employer through the collective bargaining or contract negotiation process which determines wages, hours and working conditions.

Typically, the contract is negotiated by a team chosen by the employer. Unions with active members that support the negotiating team are more likely to be successful in negotiating a contract that benefits workers.

### **“How can workers demonstrate their strength?”**

Unions are only as strong as their members’ involvement. Many workers expect “the union” to do all the work to improve working conditions, not recognizing that they *are* the union.

Collective action can include petitions, rallies, marches and other organized activities which demonstrate the workers’ unity. Strikes are another example of collective action. They are used rarely, and generally only when negotiations have failed.

Unions are best able to represent workers when the members are strong and unified.

### **“What happens if the employer does not comply with the contract?”**

If the employer violates the contract, the union can file a grievance. There are specific procedures to

follow but this usually involves meeting with different levels of management in an attempt to resolve the problem. If this is not successful, the problem can be resolved by an outside party, called an arbitrator.

Stewards are union members who have been trained to represent their co-workers. Stewards typically handle the first steps of the grievance procedure.

Union representatives employed by the union also assist with grievances.

### **“How can union members have a voice in the union’s decision?”**

Union members elect representatives to the union’s executive board, which makes decisions about how the union is run.

Like any other organization, some unions are more democratic than others. Women and people of color who want to assume leadership roles have had to struggle against some of the same discrimination that exists in society at large.

### **“Where do union dues go?”**

Union members pay dues to the union so it can:

- ☛ Meet its obligations to represent workers,
- ☛ Organize other workers, and
- ☛ Work for legislation and regulations that will benefit workers.



## Why are unions important in our society?

Unions benefit their members by giving them a voice in decisions about their wages, hours, and working conditions. In addition, they have a broader impact on all workers—the changes they make affect both union workers and those not yet organized into unions.

### “What gains have unions achieved?”

Unions have played a key role in achieving the eight-hour day, minimum wage and over-time pay, health insurance benefits, and regulations that improve workplace health and safety conditions.

Unions have also worked for passage of legislation to prevent discrimination in the workplace due to race, gender, religion or disability.

Some examples include:

- The Occupational Safety and Health Act of 1970, which requires employers to provide a safe and healthful workplace.
- The Equal Pay Act of 1963 which makes it illegal for employers to compensate female workers less than male workers for the same job.
- The Americans with Disabilities Act which makes it illegal for employers to discriminate against someone with a disability.



### “Are unions still relevant?”

Union membership has declined from 35% in 1955 to present-day figures of less than 15%, in part due to employer opposition, laws that make it easy for employers to fight unionization, and union complacency.

A new push by the AFL-CIO (American Federation of Labor—Congress of Industrial Organizations) is spearheading union organizing to maintain high living standards for workers in the U.S and abroad, despite the trend of corporate mergers, downsizing and flight to overseas markets by companies who want to lower their labor costs.

#### To see why we need unions, just ask... “Who’s making the profits?”

- In 1965, the average Chief Executive Officer (CEO) of a corporation made 44 times as much money as the average worker.
- In 1998, the average CEO made 419 times as much as the average worker.
- In 1998, for making a \$19.99 children’s jumpsuit in the U.S., workers received \$2.00. Workers making the same outfit in Haiti earn \$0.06 per jumpsuit.
- In 1998, a Haitian worker sewing clothing sold by a major brand name in the United States would have had to work full-time for 158 years to earn what the CEO of that clothing company earned in one hour.  
  
She earned \$0.30 per hour; he earned \$95,000 per hour.

Source: The Global Sweatshop: A Curriculum, National Labor Committee.

## What are some examples of union action?

### **Organizing Janitors**

Rafael worked as a janitor cleaning buildings for poverty level wages and no benefits. A union assisted him and other janitors in a campaign to get workers to join the union.

Janitorial companies and some building owners fought the janitors' right to organize. Only through massive demonstrations, with the support of community and religious groups, were they successful.

The janitors now elect their bargaining team to negotiate their wages and working conditions with the many janitorial companies that provide cleaning services throughout the city.

### **Organizing Hotel Workers**

Lucia has been working one and a half years at a hotel where workers are trying to organize a union because they are tired of an excessive work load. She cleans rooms and makes deliveries.

Last year, the management increased the quota of rooms they must clean. Lucia and the other workers must constantly rush to finish their work.

The employee elevator does not work, and so they are forced to run up the stairs making deliveries because they are not allowed to use the guest elevator. In the past two months, three workers have suffered serious back or knee injuries.

Lucia is supposed to have a half-hour lunch break, but she often has to make deliveries in the middle of her break.

With community support, the workers walk a picket line every Friday to publicize the problems. They hope to force management to recognize their union and to negotiate with them.

### **Collective Action for Health and Safety**

John and Francisco work at a large slaughterhouse and meat packing plant. This industry has the highest rate of non-fatal injuries in the United States.

John is often forced to work overtime on Saturdays even though he wants to spend time with his family. Francisco works on the line cutting meat, where the supervisor constantly pressures them to work faster. His supervisor told him repeatedly that he could no go to the bathroom and that he should stop drinking water. This caused a kidney infection, which led him to lose work.

The union negotiated a contract to make the overtime requirements more reasonable and to require the company to follow health and safety regulations, including allowing workers to use the bathroom.

### **Collective Action for Career Jobs**

Workers at an overnight delivery company, represented by a union, went out on strike to protest the company's increasing use of temporary and part time workers.

In addition to protecting the jobs of these employees, this action was an important step in the movement to protect the rights of all workers to long-term, stable employment.

### **Filing a Grievance Against Racism and Discrimination on the Job**

Sidney worked in a university lab with a supervisor who constantly made racial slurs about him and some of his co-workers.

African-Americans in the lab were not given the same opportunity for promotion as white and other workers. With the union's help, he filed a grievance, forcing the supervisors to change their practices.

### **Collective Action Against Sexual Harassment**

Several nurses in a hospital in a major city experienced problems from a supervisor notorious for sexually harassing female workers.

They contacted their union representative who helped them organize and confront him as a group, convincing him to discontinue his behavior.

Prepared by Linda Delp, UCLA-LOSH Program

L e s s o n s i x



**Social Responsibility Vs.  
the Bottom Line: An  
Interactive Simulation  
on Child Labor**



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## TEACHER'S INSTRUCTIONS: Case Study—Social Responsibility Vs. The Bottom Line

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From *Child Labor is Not Cheap* by Amy Sanders, David Bacon, et al. (Resource Center of the Americas), and edited by Meredith Sommers. Revised teacher's instructions and adapted student materials by Patty Litwin, Collective Bargaining Education Project.

### *Objectives*

#### *Students will:*

1. learn about maquiladoras and their connection to the increasing problem of child labor worldwide;
2. examine the concept of globalization and links between economic, political, and social forces that perpetuate child labor;
3. analyze and problem solve in a realistic case study;
4. explore several models of youth activism and create an action plan for pro-social civic participation.

### *Time Required*

5-6 Class Periods

### *Additional Materials*

The film, "**Zoned for Slavery**," is included as Segment 4 in the National Collective Bargaining Education Project Video Resources tape. "**Mickey Mouse Goes to Haiti**", also available from the National Labor Committee at (212) 242-3002, is an excellent follow-up video documenting adult sweatshop labor. The complete teaching unit, **Child Labor Is Not Cheap**, is available from Resource Center of the Americas (612) 627-9445. [www.americas.org/rtca/](http://www.americas.org/rtca/)

### *Procedure*

#### *Day 1 - Introduction and Film*

1. Introductory activity. Put the following headings on the board or overhead:

<i>Where</i>	<i>Who</i>	<i>Their Pay</i>	<i>Minimum Wage/Your Pay</i>
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Have students examine labels on the clothes they are wearing to see where they were made. List responses on the board. Continue listing information on the other headings. Additional questions - Worker's age? Gender? Pay per hour/week/garment? How much should they be paid? % of garment - 1%? 5%? 10%? 25%? Why?

2. **Documentary video, "Zoned for Slavery"** (23 min.) Tell students the film they are about to see will reveal connections between their clothes and the people who make them—many of them females, about 250 million in the developing world.

#### *Pre-viewing vocabulary:*

- **child labor**—work performed by children, often under hazardous or exploitative conditions. Does not include chores all children do to help their families. The U.N. Convention on the Rights of the Child, calls for protection "against economic exploitation and against... any job that might endanger their well-being..."
- **maquiladora**—a factory, often foreign-owned, that assembles goods for export. From Spanish, it's pronounced mah-kee-lah-DOH-rah, and is usually shortened to maquila.
- **free-trade-zone**—industrial area where a country allows foreign companies to import material for production and export finished goods without paying significant taxes (tariffs) or duties to the government. Free-trade-zones decrease a company's production costs, while simultaneously increasing company profits.

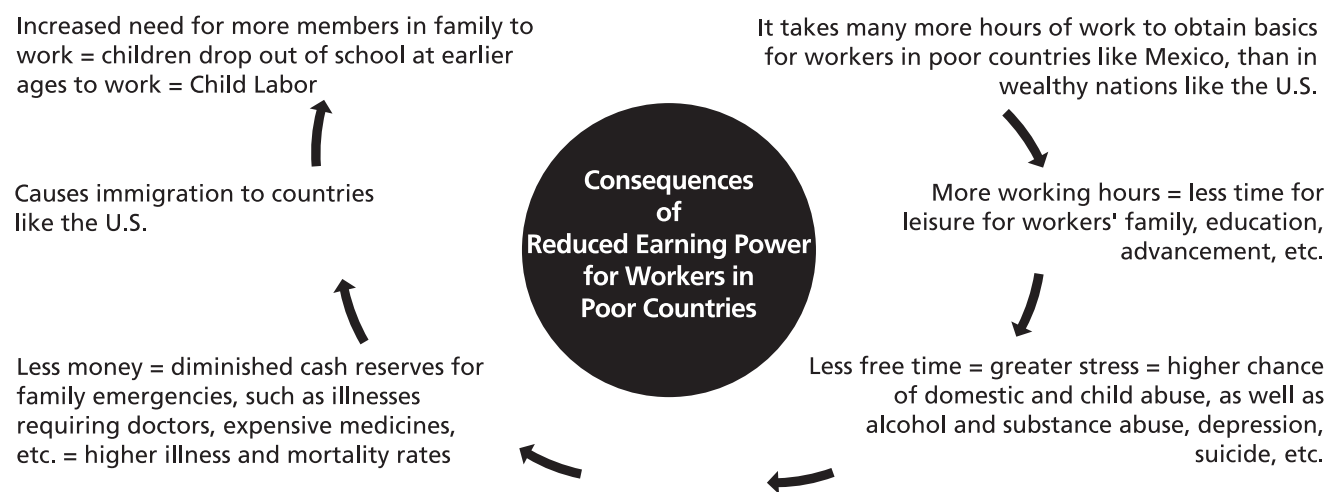
Substitute the reading **Student Handout #1-A: Kids in the Fields**, if video is not shown. Ask students to look for the following details as they watch or read:

- Predominant age and gender of the workers
- Treatment by managers

- Exploitative or demeaning working conditions
  - Consequences of leaving school too early
3. After the video, have students do a 2 minute quick-write before the discussion begins on two questions: What impressed you most from the film ? How did it make you feel? Lead students in a class discussion.
  4. Optional Activity\*. **Student Handout #1-B: Snapshots from Kitchens to Beet Fields**, and **Student Handout #1-C: Work and Basic Necessities**. Assign reading and activity for homework.

### Day 2—Case Study

1. Randomly divide students by numbering them off into 6 small groups. Complete optional activity\* or go on to **Student Handout #2-A: A Company's Dilemma**. For the optional activity, have the groups quickly work to review the previous night's homework assignment, **Student Handout #1-C: Work and Basic Necessities**. Ask the groups to come up with as many consequences or conclusions as they can think of from the data which contrasts the earning power of Mexican workers with that of American workers. Give students about three minutes to brainstorm. One team member can record answers for the group. Conduct a whole class discussion and record student responses as a cluster diagram on the board or overhead. Students take notes. **Key ideas:**



2. Distribute **Student Handout #2-A: A Company's Dilemma**. Read vocabulary first. Create a collective definition for the term, social responsibility. Next, read the case study aloud with the class. Have students highlight or underline important information. After the reading, students complete questions with their (6) groups. Teams discuss each question together orally, then each student writes the answers in her/his own words as an individual assignment. Check for understanding by asking each group to report on 1 question, or shorten this activity by assigning each group 1 of the 6 questions. All students take notes on the reports.

### Day 3 - Meeting Prep

1. Students circle up with their teams. Distribute **Student Handout #2-B: Role Assignments: A. Brown, J. Jacobson, E. Silva, M. Vasquez, G. Alvarez, and T. Cervantes**. (If you use initials rather than first names, it makes it easier for both sexes. We also use a random "lottery" method to distribute the roles.) You will need to pre-read all of the roles to coach the teams. (See **Teacher Handout- Coaching Tips - Before the Meeting**.) Have signs to identify teams. Folded file folders work well.
2. Group Introductions. Before the teams read their roles, have one student from each team read their job description, located at the top of the role assignments, to the whole class. Then, instruct each group to read aloud their role in their group to each other, taking turns on each paragraph.
3. Distribute and read as a class the instructions for **Student Activity #2-C: Preparation for Meeting with Mr./Ms. Bell** (played by you). Students will also use **Student Handout #2-B: Role Assignments** for reference. Teams complete the first 3 rounds of #2-C. Circulate to coach.
4. Team Negotiations and Alliance Building. After teams have finished writing their presentations for Rounds 1- 3, instruct them to choose 2-3 groups to visit, to see if they can unite on solutions with other advisory groups before the meeting with Bell. Next, each group chooses 2 of its members to be sitting negotiators and 2-3 others as traveling negotiators. All negotiators take notes. Allow about 10 minutes



only, with an additional 5 minutes back with their home teams to brief each other on new information and to complete their notes for Round 4 of **Student Activity #2-C: Prep for Meeting with Bell**.

5. Instruct groups to divide their team's labor so that there is a different team spokesperson for all four rounds. If there are more than four students in a group, Round 3 and/or Round 4 can be shared by two students.

#### *Day 4 - Meeting with Bell*

1. Students circle up with their teams. Give them a few minutes to rehearse presentations (**Student Activity #2-C**). Right before the meeting begins, have each team open up their chairs and desks into a semi-circle or "U" shape to become one large group, identified by their respective signs. Call on teams in this order for each round:

<b>1st - Silva</b>	<b>4th - Jacobson</b>
<b>2nd - Vasquez</b>	<b>5th - Alvarez</b>
<b>3rd - Brown</b>	<b>6th - Cervantes</b>

2. Open the meeting by telling students that your role as Mr./Ms. Bell will be to chair this important advisory meeting (also have a sign to identify your role as Bell). Explain that you have called them together to hear their views about how to resolve the possible child labor violations at SPI's maquiladora in the Dominican Republic. Refer to **Teacher Handout - Coaching Tips - During the Meeting** for more information. Expect the meeting to take an entire class period and very likely overlap into Day 5.
3. Distribute **Student Handout #2-D: Debriefing Questions** and assign for homework.

#### *Day 5 - Debriefing*

1. Have Bell's decision ready, with specific solutions, at the opening of class. Have students copy details onto the top of **Student Handout #2-D Debriefing Questions**. Tell students that their recommendations determined your decision. See **Teacher Handout - Coaching Tips - After the Meeting**.
2. Using questions from **Student Handout #2-D: Debriefing Questions** as a guide, have a debriefing discussion which should take about half of the period.
3. Have students sit with their teams. Optional Activity. Distribute **Student Handout #2-E: Team Evaluation**. Extend debriefing with a read around and discussion of article "**How We Clandestinely Organize Sweatshops**", **Student Handout #2-F**, and **Student Handout #2-G "The Sweat Behind the Shirt."** For a positive model of a U.S. garment company that is anti-sweatshop—it's a unionized worker cooperative: contact Sweat X in Los Angeles at 213-362-9001 or [www.sweatx.net](http://www.sweatx.net)

#### *Day 6 - Action Plan*

1. Have students circle up with their teams. Begin a discussion by asking the groups to brainstorm the most pressing causes and effects of maquiladoras and child labor. Have one student record the answers for the group, and then interview groups for their responses. List responses on the board. Next, discuss the idea of citizen action and activism with students giving examples from their life experience. Lastly, have students predict how citizen action could improve maquiladora working conditions and end child labor.
2. Distribute **Student Handout #3-A: Youth In Action** and read together as a whole class. Distribute copies of **Student Handout #3-B: Your Action Plan** to groups. Each group writes up their own action plan. Group presentations. One or more of these action plans could become a service project. (Contact the Constitutional Rights Foundation in Los Angeles, (213) 487-5590, to obtain copies of Active Citizenship Today, a practical "how to" manual for service learning projects in the classroom.) Students can also write letters to the companies listed that use child and sweated labor.

In Los Angeles, a chapter of *Free The Children* has been organized by Social Studies teacher, Mark Elinson, at Monroe Law and Government Magnet High School at (818) 892-4311. Contact him for details. Also call your local chapter of *United Students Against Sweatshops* located on many college.

3. Also included is a **Student Follow-up** handout, **How to Contact US Corporations**. For more teaching resources, see Rethinking Globalization, ed. by Bill Bigelow and Bob Petersen, available from [www.rethinkingschools.org](http://www.rethinkingschools.org).

### *Before the Meeting*

#### *Review the following Role Summaries (Student Handouts #2B)*

**Vasquez** - *Washington, D.C.- Based Legal Consultant to Corporations on Labor Issues.* An attorney who is advising SPI to inform itself of and abide by Dominican laws and follow its own guidelines. SPI must ensure that children under 14 do not work more than 7 hours a day; take scheduled rest breaks; have a minimum 6th grade education; monitor and verify workers' ages, perhaps with company auditors. Also points out the consequences of company violating national and international laws, potentially resulting in fines and prison terms for company officials.

**Silva** - *Caribbean Sourcing Manager, SPI.* This is the apologist perspective on child labor, which sometimes makes students reluctant to play it. Even so, it's a perspective that needs to be heard and challenged. As a Dominican national, Silva sees companies like SPI helping the D.R., with jobs and pay checks. And the young children who are with their mothers is part of Dominican cultural practice. Believes SPI's responsibility is to continue to meet the bottom line with low production costs and maximum profits.

**Brown**, *Manufacturing Vice President, SPI.* Primarily concerned with "bottom line" issues of production costs, worker productivity and the overall garment manufacturing process. Sourcing manager, E. Silva, reports directly to Brown, who herself has traveled a great deal in Central America and the Caribbean and they both share similar views. She knows that in poor countries like the Dominican Republic, jobs are limited and labor is cheap. She thinks that young women are the best workers because they are fast and have excellent hand-eye coordination, and although this is perhaps unfortunate, she sees this as an unfortunate, but necessary, consequence for countries in the early phases of industrial development. Recommendations revolve around maintaining the status quo.

**Jacobson**, *Marketing Vice President, SPI.* Focused on maintaining the company's standards and public image, as well as its market share. Suggestions include: closing the maquila and moving production out of the country altogether; setting up model education and recreation programs at SPI's maquilas; monitoring worker's ages by the company auditors; developing a new marketing strategy that advertises "no child labor" used on any of SPI's products.

**Alvarez**, *Human Rights Advocate, Coalition To Abolish Child Labor.* Recommends SPI take a direct approach in confronting the problem by - developing meaningful guidelines for working children, which respect their rights and dignity; funding programs (health, educational, etc.) that benefit child workers directly; verification and enforcement of age restrictions; and taking a progressive leadership role on this issue in business. Also willing to use direct action, such as boycotts and protests against the company, if SPI is uncooperative.

**Cervantes**, *Assistant to the President, Union of Needletrades, Industrial and Textile Employees (UNITE).* Understands that the cycle of child labor will never be broken, until the wages of adults are adequate to support their families. Explains how unions give workers a voice in determining and bettering wages and working conditions. Recommendations: SPI could go beyond Dominican law and not permit children under age 16 to work at its facilities; invite Dominican unions to organize unions on-site and bargain contracts with the workers for fair wages and benefits; immediately raise wages to a living wage; have the union monitor and verify worker's ages; and lastly, create education and recreation programs that benefit the former child workers directly with SPI profits.

Two of the roles (Cervantes and Jacobson) have an additional short reading, *Effects of Higher Wages*, which shows mathematically how when workers' wages are doubled or tripled, the cost of a garment only increases by a small amount.

## ***During the Meeting***

### ***Bell's Role:***

Your goal as moderator is to help students to articulate the various points of view as represented in their roles. Consider this a round table discussion, where you ask clarifying and open-ended questions and help students to connect ideas. The role depicts Bell as upset by the situation in the Dominican Republic, is genuinely conflicted between job and conscience. Adopt a sincere, open-minded posture.

### ***Suggested inquiries:***

#### ***Round 1***

- Give name, job title / organizational affiliation. Explain your job or about the organization you represent.
- Why is your perspective important for me to listen to?

#### ***Round 2***

- From your perspective, what important ideas should SPI consider in dealing with this issue?
- How do you think this problem affects the young workers in the D.R.? Adult workers? SPI? Consumers?

#### ***Round 3***

- What solutions can your group offer from your point of view? Of the solutions you just presented, which ones do your team of advisors recommend that SPI implement? Explain.
- Also, how important is it for SPI to follow its own Global Guidelines? Please explain.
- Or conversely, what are the consequences if the company does not follow your recommendations? (Note: If a team neglects to recommend something necessary to their role and to the whole class understanding, it is up to you to draw this information out in a non-threatening way. This is not an oral test!)

#### ***Round 4***

- Which of the other consultant's recommendations agree with yours?
- Are there ideas you can combine from your negotiations with other groups that would create even more effective solutions? (Note to Teacher: During this round, you can especially help students to scaffold ideas which match both student objectives and social studies standards.)

### ***Important Ideas To Reinforce During The Meeting:***

- The rights of children to live lives free of exploitation are not matters of financial cost; they are fundamental human rights (1989 United Nations Convention on the Rights of the Child).
- That both workers and consumers can be change agents. Workers can most effectively voice their power through unions, while consumers can vote with their feet and boycott goods made with child or sweated labor, individually and collectively.
- Child labor cannot be ended without increasing the wages of adult workers to a living wage.
- Corporations can be financially successful and socially responsible at the same time.

### *After The Meeting*

When you announce your decision to the class, tell students that you were persuaded by their presentations and are adopting their recommendations. Have them copy your decision in the space provided in **Student Handout #2D: Debriefing Questions**. Include several specific actions that follow:

- Bring in a well respected international organization, such as the United Nations, Amnesty International, or the Coalition to Abolish Child Labor to monitor the working conditions and verify to ages of the workers. This will ensure that SPI is following national laws regarding child labor, as well as its own Global Guidelines for Business Partners.
- Raise the wages of adult workers to meet living wage standards in the countries where SPI has factories. By doing this, SPI is guaranteed that the adults workers can support their families, without depending on the labor of their children in order to survive.
- Encouraging unions to organize at all of SPI's factories, which would give workers the power to have a collective voice in determining their own working conditions and increasing wages through a negotiated contract. The contract itself is a guarantee that workers will be treated fairly and if not, they have recourse through the grievance procedure section of the contract.
- Create a scholarship program for former child workers, to make it possible for them to leave work and return to school, without having to jeopardize the financial well-being of their families or their future.
- Build an on-site child care center, after-school programs, and so on.
- Raise the price of each garment a small amount, and use the money to create on-site education and recreation programs. Donations could also be made to international agencies which protect children against abuse globally.
- Engage in a public relations campaign where SPI reaffirms its leadership role in the area of corporate social responsibility by strengthening and promoting its own Global Guidelines
- Develop a new garment label and a marketing strategy to attract customers who value social responsibility. Recent surveys show that U.S. consumers are willing to pay 5 - 10% more for clothing that they know is not being made with child or sweated labor. In fact, a new sportswear manufacturer has just been created in Los Angeles that produces casual "clothes with a conscience" with a union "no sweat" label. It is a worker-owned cooperative, unionized by UNITE with livable wages and benefits, demonstrating that the exploitation of garment workers is unnecessary as well as wrong. Check them out at [www.sweatx.net](http://www.sweatx.net).

# Why Kids Work

**T**he number of children working in today's world is staggering. More than 250 million children, most in developing countries, spend much of their day on the job, according to the United Nations Children's Fund (UNICEF). Half of them work full-time. They toil in factories and mines, home based workshops and agricultural fields, streets and hotel rooms.

Many children work without adequate safeguards, most are paid substantially less than adults, and many are physically and emotionally abused. From Pakistani soccer-ball plants to Mexican onion farms, the conditions under which kids labor would seem more apt for 19th-century Britain—the Industrial Revolution—than for today's world. In some countries, the problem has grown only worse.

At the same time, efforts to address child labor have been a constant theme of the last 100 years. Within the United States and many other nations around the world, attempts to regulate or eliminate the practice have been successful. In addition to the reforms, children's rights have been firmly established by international laws and covenants, most notably the 1989 United Nations' Convention on the Rights of the Child. (Of all the world's nations, the United States is among only six that have yet to ratify this measure.)

Why, then, does child labor persist?

It persists, in some cases, because it's important to the economies of a family, a community and a nation. In countries with many unemployed adults or inadequate wages, children must work to help their families survive.

Child labor also persists because powerful forces sustain it. Child workers, increasingly, are players in a global economy in which high profits rely on low wages, unregulated health-and-safety conditions, and a flexible and unorganized workforce.

Frequently child laborers live in poor countries that have little ability to set their own economic policies. Their governments, tied by trade agreements and staggering debt, are forced to compete in the global economy and take orders from international lending institutions. To obtain needed loans and foreign investment, many countries agree to “free trade” deals and “structural adjustment programs” that increase exports, decrease social spending, lower wages and privatize vast arenas of social and economic life.

These policies can exacerbate the use of child labor. For example, export agriculture drives poor, subsistence farmers off their land and into cities in search of work. This, in turn, expands the pool of urban unemployed, further depressing wages. Some unemployed parents become so desperate they send their children into the labor market. Because employers can pay less to children than to adults, profits go through the roof.

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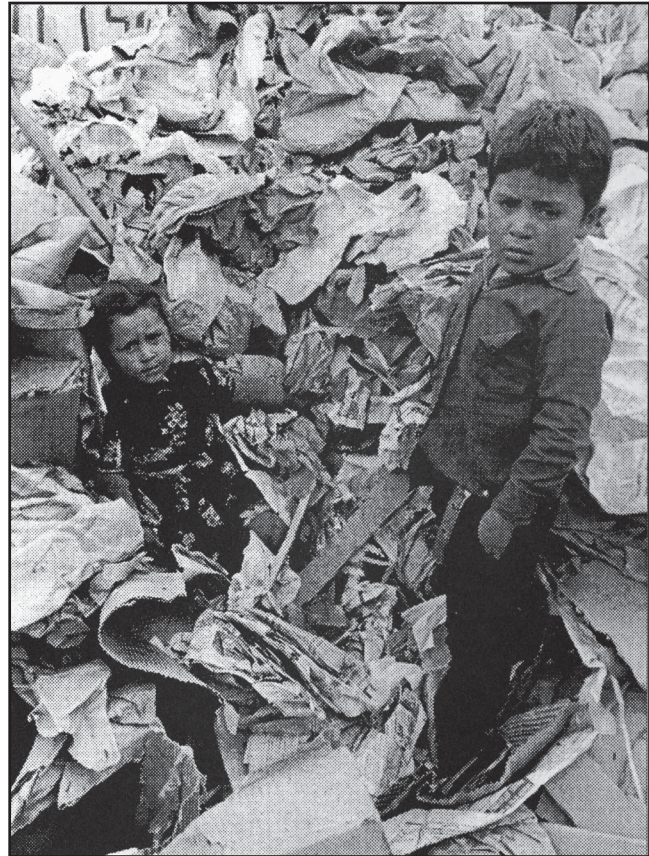
**If we are to break the chains of poverty and illiteracy that give kids few options other than work, it's important for us to understand those chains — the economic, social and political contexts in which children live and labor — and then to do something with that knowledge.**

In the face of arguments that child labor is a phase of industrial development - a necessary step out of poverty - this teaching guide helps students consider whether child labor is a means of *perpetuating* inequality between the world's rich and poor.

*Child Labor Is Not Cheap* focuses primarily on export-oriented businesses in the Americas. While the U.S. Labor Department estimates that only about 5 percent of the world's working children work directly in an export industry, their situation provides a window into the global economy. This focus is an excellent starting point to understand other forms of children's economic exploitation.

If we are to break the chains of poverty and illiteracy that give kids few options other than work, it's important for us to understand those chains - the economic, social and political contexts in which children live and labor - and then to do something with that knowledge. To stimulate student interest, *Child Labor Is Not Cheap* incorporates various teaching techniques, including videos, role plays and small-group work. Using this guide, educators need not be experts, but facilitators and learners themselves.

When I approached this topic in my high school classroom, I wanted students to have as much autonomy as possible - to raise questions and issues, pursue connections among ideas, and learn from their classmates. The complex subject lent



**Scavenging  
for a living in  
Bogota, Colombia**

itself to this approach. Students discussed the factors behind the use of child labor, potential solutions, and implications of those solutions. We did not reach agreement or consensus-this wasn't the goal. Rather, I aimed for students to identify and define a problem, raise questions and find information, recognize the values and assumptions associated with that problem, identify alternatives, predict consequences, and determine how to respond and act.

My personal hope is that your study of child labor is a collective effort in which everyone becomes an active learner and that we work together toward a more equitable and just future for all children.

- Amy Sanders

*From Child Labor Is Not Cheap  
Resource Center of the Americas.*

# Kids in the Fields

By David Bacon

Mexicali Valley, Baja California, Mexico

From a distance, the green-onion field looks almost festive. Strung between pieces of iron rods, dozens of colored cloth sheets ripple in the morning breeze and shelter workers from the Mexicali Valley sun. The soft conversation of hundreds of people, sitting in rows next to great piles of green onions, fills the air. The vegetable's pungent scent is everywhere. Wandering among the workers are toddlers, some nursing on baby bottles and others chewing on the onions. A few sleep in the rows, and some in vegetable bins in makeshift beds of blankets.

But the toddlers aren't the only children in this field. Dozens of the workers, perhaps a quarter, range in age from 6 to 16. The foreman, who doesn't reveal his name, says it's normal for his 300-person crew to include entire families, youngsters and all. The workers, he says, are employed by the Oxnard, California-based Muranaka Farms.

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**U.S. companies in Mexico use child labor to produce vegetables for U.S. consumers**

The children are some of the hidden victims of the North American Free Trade Agreement, a controversial deal between the United States, Mexico and Canada. Since NAFTA took effect in 1994, U.S. growers such as Muranaka have relocated production across the border. Their profiteering, subsidized by the Mexican government, intensified an economic crisis marked by the December 1994 plunge in the value of Mexican currency. As the incomes of poor Mexicans dropped by almost half, desperation pushed new waves of children into the fields. Thousands of kids now produce crops

destined for dinner tables in northern cities around the world from Minneapolis to Tokyo.

Targeting these markets, joint ventures between Mexican and U.S. growers "are achieving greater competitiveness at the cost of children working in the fields," says Gema Lopez Limon, an education professor at the Autonomous University of Baja California, who investigates child labor in agriculture. "We're creating a workforce without education, condemned to the lowest wages and to periods of great unemployment."

**ACQUIESCENCE:** Like the United States Mexico outlaws child labor. Article 123 of the nation's constitution says children under 14 may not work, and those between 14 and 16 may work only six hours a day. Article 22 of the federal labor law likewise bars employment under 14, and permits work between 14 and 16 only by special permission and only if the children have completed an elementary education.

While government statistics do not track the number of working children, Mexico's Labor and Social Forecasting Secretariat estimates that various economic sectors employ a total of 800,000 workers under 14. Based on the 1990 census, the Public Education Secretariat guesses that more than 2.5 million kids between 6 and 14 don't attend school.

The second International Independent Tribunal Against Child Labor, held in Mexico City in March 1996, concluded that the economic forces behind expanded Mexican child labor were having the same effect in other countries. The number of working children globally has climbed to more than 250 million, according to the International Labor Organization (ILO). "Trade agreements like NAFTA and [the General Agreement on Tariffs and Trade] promised protections for workers," Lopez testified. "But they don't prohibit child labor, they regulate it."

David Bacon is an associate editor of Pacific News Service.

After three days of testimony by witnesses from 18 countries, the tribunal called for ratifying the 1973 ILO Convention 138, which bans labor by school-age children. Only 58 countries had signed the pact, and neither Mexico nor the United States had ratified it. Maria Estela Rios Gonzalez, president of the Mexican National Association of Democratic Lawyers, says international support for the convention buckled under big-business pressure.

To upstage the ILO blanket ban on child labor, the United Nations formulated another convention, Number 32, in 1989. This one, while decrying child labor, allows each nation to determine an age at which children may work and to regulate the circumstances of their labor. Mexico and many other countries that refuse to ratify the ILO measure have adopted the U.N. approach. Free-market champions have rallied behind the U.N. convention because they hope regulating child labor will undermine efforts to eliminate it.

“We cannot substitute the labor of countless children for the inadequate income of their parents,” Rios Gonzalez says. “During all the history of humanity, adults have been the protectors and nurturers of children. Now children are nurturing and protecting the adults. We are robbing them of their future.”

**DROP-OUTS:** Maria, 12, works alongside her mother in the Muranaka field. “My grandmother told me this year that we didn’t have enough money for me to go to school,” she says. “At first I stayed home to take care of my little sister, but it was boring, and sometimes it was scary being by ourselves all day. So I came to work here. We need the money.”

Honorina Ruiz, 6, sits nearby in front of a green-onion pile. She lines up eight or nine onions, straightening out their roots and tails. Then she knocks off the dirt, puts a rubber band around them, and adds the bunch to a box beside her. Too shy to say more than her name, she seems proud to be able to do what her brother Rigoberto, at 13, has become very good at.

Some 3,000 children work in Mexicali Valley’s green-onion harvest, says Lopez, the education professor. The October-June growing season, which coincides with the academic year, hurts school attendance. While the valley’s population



has increased in recent years - the city of Mexicali alone boasts more than 600,000 inhabitants - rural schools keep losing children.

At the Alfredo A. Uchurtu primary school in the heart of the green-onion district, teacher Pedro Gonzalez Hernandez says 40 of 252 enrollees had dropped out by the end of the 1995-1996 season. Attendance began to fall in 1987, when the school had 363 kids. “That’s the year we had the first economic collapse in Mexico,” he recalls.

“Not only can’t they come, but often they don’t want to.” Gonzalez admits. “With all the problems they’ve had in keeping up, when they do come, they face blame.”

“We’ve tried to devise a kind of study that these children can do at home,” he adds. “It will never be as good as attending class, but at least it’s some alternative.”

In another effort, Baja California teachers have convinced the state government to offer \$15.73 a month and food coupons to rural children who would otherwise have to work. Twenty-five kids at Uchurtu get the allowance, and all of them are still in class. But the program lacks funds to help all the kids who need it, and some government officials are rumored to have diverted allowances for their own children.

Even with more funds and proper administration, such measures would likely fall short in the NAFTA era. “What drives children into the fields is that the wages their parents receive isn’t enough to support the family,” Gonzalez says.

**Six-year-old Honorina Ruiz bundles green onions in a field owned by U.S.-based Muranaka Farms. The onions, grown and packed in Mexico, are exported to the United States and other countries.**



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**'What drives children into the fields is that the wages their parents receive isn't enough to support the family'**

In 1996, Mexicali Valley companies paid about \$.11 for a dozen bunches of onions. For an adult, a good day's work amounted to \$6.66. A young child, on the other hand, would produce enough to earn only about \$3. Field workers said the growers hadn't raised the piece rate since 1995, despite grocery price hikes. In 1996, a gallon of milk rose from \$2 to \$2.33, more than a third of an adult's daily wages.

Adults and children work the same day, usually from 5:30 a.m. to 4 p.m. There is no overtime pay, except for work on Sunday. The Muranaka field had just one portable bathroom for the whole crew. A metal drum on wheels held drinking water. The climate adds to the misery. Mexicali Valley, extending south from the border of California and Arizona, is an irrigated desert. In late spring, despite the cloth shelters, it gets brutally hot. In winter, the temperature can drop to freezing.

**FLIGHT:** Muranaka is among numerous U.S. vegetable producers that operate in Mexico. Besides the green onions, the produce includes spinach, radishes, cilantro, parsley, kale, leeks and beets - all processed in Mexicali Valley packing sheds.

Carisa Wright of Muranaka Farms says her firm considers its Mexican operations profitable, and is expanding them. "Most of our operations are labor intensive, so we do save money on labor costs by comparison with those in the U.S.," she notes.

Muranaka management would not answer specific questions about its use of children. "As far as we know," a company letter states, "our growers comply in the fullest with Mexican federal and state labor laws to the best of their abilities."

Workers the letter adds, "are over the minimum legal working age."

Tom Nunes of the Nunes Company, a large vegetable grower based in Salinas California, contracts with a Mexicali Valley grower. The grower cultivates the onions packs them in ice, and sends them to Nunes. Nunes sells the onions at market prices, then gives the grower what's left after deducting for seeds, cartons, loading, customs duties, and a sales charge. Nunes estimates he profits only \$.01 per bunch.

Could the company sell the bunch for an extra penny to raise field-worker wages? "There's no incentive for us to do that," Nunes responds. "There are no green onions grown now in the U.S. in the winter because they can't compete with the price of those grown in Mexico."

"I wouldn't go over there if this competition didn't exist," he says. "The power of the market is stronger than all of us."

Calling it a free market, however, would be a mistake. To lure U.S. investment, the Mexican government promises a low-wage workforce and a wealth of subsidies. Direct assistance starts with irrigated water, which is much cheaper in Mexicali Valley than across the border in California's Imperial Valley.

"What we need is to produce food, first, for people to eat here in Mexico, where people are actually hungry and where no one buys these green onions," says Lopez, the education professor. "Then, if we have extra capacity to produce, we can sell the rest on the market in the U.S. or anywhere else. The government makes the same kind of argument about the maquiladoras (export-oriented assembly plants)—that they bring jobs. Yes, but are they jobs with a future that a family can live on?"

*From Child Labor Is Not Cheap  
Resource Center of the Americas.*

## SNAPSHOTS

# From Kitchens To Beet Fields

**BY CHIP MITCHELL**

In Latin America and the Caribbean, 17.5 million children ages 5-14 are working, many of them full time, according to a 1996 International Labor Organization estimate. Whether sewing in one of Disney's Haitian sweatshops or hustling on a Rio de Janeiro street corner, they are players in the same global economy.

**BRAZIL:** Kids on sugar plantations cut cane with machetes, which puts them at constant risk of mutilation. In many sugar regions, kids make up a third of the workforce and suffer more than 40 percent of on-the-job accidents, according to the *1997 State of the World's Children*, published by the United Nations Children's Fund (UNICEF).

**COLOMBIA:** Hundreds of boys as young as age 6 work in labor-intensive coal mining, usually 4 a.m.-noon, five or six days a week, according to a 1994 study cited in the U.S. Labor Department's 1995 *By the Sweat and Toil of Children: The Use of Child Labor in American Imports*. The youngest carry water or lead mules from the mines. The older kids dig with pikes and carry heavy sacks of coal on their backs. They all face hazards such as landslides, floods, fires, explosions and gas poisoning. About three-quarters of the coal is exported, including a big portion to the United States.

**GUATEMALA:** In 1995, Seattle-based Starbucks Coffee pledged to improve conditions for its Guatemalan workers. The company promised safe and sanitary working conditions as well as protection for unionizing activities. Two years later, according to the United States/Guatemala Labor Education Project, Starbucks coffee pickers still included young children, the workers were not protected from pesticides, and they had insufficient waste and housing facilities. In 1997, an entire family earned a daily average of \$1.50, not enough for a single cup of Starbucks coffee in the United States.

**UNITED STATES:** Some 5.5 million U.S. children under age 18 work legally and illegally, according to the National Consumer League. With 200,000 minors injured and 100 killed on the job each year, the country ranks lowest in both categories among industrialized nations, reports the National Institute for Occupational Safety and Health. Migrant and seasonal agriculture alone employs roughly 1 million children under age 15, according to the United Farm Workers of America. Prostitution rings employ another 100,000 U.S. minors, estimates UNICEF. In Minnesota, primarily in the sugar-beet fields of the Red River and Minnesota River valleys, hundreds of children go to work with their parents, according to the University of Minnesota Migrant Project. They spend as long as 12 hours a day thinning plants or picking up rocks. Some farm fields are unregulated, which allows owners to pay families by the acre, leaving them with sub-minimum wages.

**URUGUAY:** Many rural, poor parents have no choice but to hand over their daughters for domestic service to wealthier, usually urban families. An International Labor Organization survey of domestic workers in Uruguay found that 34 percent had begun working by age 14. Usually paid little or nothing, the workers are often deprived of schooling and social activity. They are also vulnerable to physical and sexual abuse.



**A family's desperation has forced this boy out of school and into the Colombian orange harvest.**

**STUDENT HANDOUT #1-C: Work and Basic Necessities**

**A** typical worker in Mexico earns about 26 pesos (\$3.60) a day. This chart shows how many paid hours it takes to buy a few basic necessities. The figures reflect average prices in Tijuana, the city across the border from San Diego. A kilogram is 2.2 pounds.

<b>Necessity</b>	<b>Hours of Work</b>
Beans, 1 Kilogram	4 hours
Rice, 1 Kilogram	1 hour, 26 minutes
Tomatoes, 1 Kilogram	1 hour, 35 minutes
Beef, 1 Kilogram	8 hours
Chicken, 1 Kilogram	3 hours
Eggs, 1 dozen	2 hours, 24 minutes
Milk, 1 gallon	4 hours, 17 minutes
Toilet paper, 1 roll	43 minutes
Diapers, a box of 30	11 hours, 30 minutes
Shampoo, 10 ounces	2 hours, 25 minutes
School uniform (mandatory)	57-86 hours
One school book	17-20 hours
Aspirin, a bottle of 20	2 hours, 25 minutes

Source: Fall 1996 Cross-Border Connection, the newsletter of the Support Committee for Maquiladora Workers.

**ACTIVITY:** Go to a grocery store and check the prices of the same items. Then calculate how many hours of work, at your wage, it would take for you to buy them (a kilogram equals 2.2 pounds).

<b>Necessity</b>	<b>Hours of Work</b>
Beans, 1 Kilogram	_____
Rice, 1 Kilogram	_____
Tomatoes, 1 Kilogram	_____
Beef, 1 Kilogram	_____
Chicken, 1 Kilogram	_____
Eggs, 1 dozen	_____
Milk, 1 gallon	_____
Toilet paper, 1 roll	_____
Diapers, a box of 30	_____
Shampoo, 10 ounces	_____
School uniform (mandatory)	_____
One school book	_____
Aspirin, a bottle of 20	_____

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**STUDENT HANDOUT #2-A: A Company's Dilemma**

In the reading that follows, you will be considering the case of a U.S. business executive who must confront the problem of child labor at one of the company's maquiladoras and must decide what course of action to take. Review the following vocabulary before reading the case study, and complete the follow up questions on a separate sheet of paper with your group after the reading.

**Vocabulary:**

- 1. sourcing** - contracting with a maquiladora owner to manufacture clothing. A **sourcing manager** works for the parent company, such as Nike or Gap, and is responsible for locating the factory and making all of the arrangements necessary for production.
- 2. contractor** - the person who supplies the raw materials and/or workers to the sourcing manager.
- 3. monitoring** - checking to ensure that the factory is following all of the company's procedures and policies. Companies monitor such things as worker's productivity, as well as country's labor laws where they are conducting business, to be sure that they are operating within legal bounds. Company **auditors** monitor a companies finances.
- 4. bottom line** - in math, this is the amount left over after all costs of producing goods have been subtracted from the sales of the product. It's another way of referring to the **profits** made by the company, which in this company's case, are divided among the company's shareholders.
- 5. shareholder** - someone who owns stock in a corporation like Nike and is, therefore a part-owner of the company. Higher profits ensure that shareholders receive higher dividends, as well as increase the value of the stock. Since a corporation is owned collectively by the shareholders, executives believe their primary responsibility is to maximize profits for them.
- 6. social responsibility** -

**Follow Up Questions:**

1. Why has SPI sent Bell to the Dominican Republic (D.R.)? Why is the company concerned about the investigative reporters?
2. Discuss Bell's personal feelings about child labor and the potential conflicts that could arise between his/her values and job responsibilities as vice president of international contracts.
3. Describe Sports Products International (SPI). Include information on what products this company sells, the company's history, reputation, product quality, etc.
4. What are SPI's *Global Guidelines for Business*? What is their guideline or policy regarding child labor? Do all company's publish their own *codes of conduct*? What is the purpose of these codes?
5. Who is Eddie Silva? Describe his job and his attitude toward child labor. How does he justify the use of child labor in countries like his?
6. Describe the workers at SPI's factory in the Dominican Republic who appear to be children. Why are children often preferred as workers over adults? How does their labor affect the quality and quantity of goods? Price? SPI ? Themselves? D.R.?

## SOCIAL RESPONSIBILITY VS. THE BOTTOM LINE

# A Company's Dilemma

Mike Bell shifted restlessly in his airplane seat. He was finishing a three-week tour through Latin America after being promoted to vice-president of international contracts for Sport Products International (SPI). The tour had put him on more planes than he could remember. He was glad to be headed back home to New York. As he looked out the window over crystal blue water he was surprised how tranquil the world suddenly seemed.

Then he remembered the sight of young girls in the Dominican Republic as they swept the factory floor between rows of sewing machines. Pushing those images out of his mind, he tried to focus on some of the new things he'd seen on this trip. He had enjoyed the scenery around the capital, Santo Domingo, a city on the nation's southern coast. After a day of hard work, he had taken a walk to unwind and see some of the sights. The city's colonial section was beautiful. Palm trees bordered narrow, cobbled streets filled with nice shops, restaurants and museums including the house of Christopher Columbus son.

Despite Bell's efforts to push business concerns out of his mind, his thoughts kept creeping back to the plant he'd visited just the day before. In that factory, outside Santo Domingo, women and girls were hard at work assembling the T-shirts and sweatshirts that would fill U.S. stores next spring. The clothes were made of the quality cotton on which SPI had prided itself for 50 years. The company bolstered its wholesome American image with its well-known motto, "Work hard. Play hard."

But that image didn't fit the sight of the girls in the factory. SPI headquarters had dispatched Bell to the Dominican Republic after hearing that a

team of network-television reporters was investigating stories of child-labor abuses in an assembly plant in a free-trade zone outside Santo Domingo. Asking Bell to cut short a trip to Guatemala, his boss told him to check out the situation. Bell wasn't too surprised at the media attention, since he himself had been disturbed by the sight of young people sewing SPI clothing at plants in Jamaica, Mexico, Honduras and Guatemala.

Until this trip to Latin America, Bell had felt good about working for a company with a reputation for social responsibility. A year ago after all, SPI had adopted a policy it called *Global Guidelines for Business Partners*, which prohibited using child labor. "Child" was defined as anyone under 14 or a nation's compulsory school age.

But Bell suspected that many of the workers in the plants he'd seen were younger than 14. He planned to bring this up with Eddie Silva, SPI's Santo Domingo-based Caribbean sourcing manager. Silva's job was finding sources — contractors that own factories known as *maquiladoras* — to manufacture SPI clothing. SPI itself did not own or manage *the maquilas*; the company simply purchased goods from the contractors that owned and managed them. These factories usually were located in a nation's free-trade zone to take advantage of reduced or eliminated taxes.

**WHEN BELL LANDED** in Santo Domingo he met Eddie Silva, a Dominican man who had lived and traveled in the United States. "You should know that there's some confusion about the company's guidelines," said Silva, as he drove Bell to an SPI contractor in the free-trade zone.

Bell stopped looking out the window. "Why?" he asked. "The company's guidelines are clear. We shouldn't use contractors that hire kids under 14. How much clearer could the policy be?"

"Look, it's just not that simple," Silva replied. "A lot of the contractors here use kids. Some of the girls come to the plant with their mothers, and I

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Adapted from "Third World Families at Work: Child Labor or Child Care?" by Martha Nichols in *Harvard Business Review*, January February 1993. The characters and scenes reflect Amy Sanders' experiences working with small businesses in the Dominican Republic as a Peace Corps volunteer in 1990 and 1991.

know there are some who are younger than 14. That's just how it's done here."

"Haven't you told them about the guidelines?" Bell demanded. "Haven't you told them they have to do it differently?" Bell felt his hand tighten on

his knee. The car bounced along the road through a few of Santo Domingo's poor neighborhoods, where people were sitting outside dilapidated houses. He wondered absently why so many people had nothing to do in the middle of the day.

Silva's voice drew Bell's attention away from the faces he was staring at through

the window. "I'm not a policeman," he said. "Anyway, it's a lot more complicated than you think."

"What's so complicated? If contractors aren't in compliance with the guidelines, we threaten to cut them off until they are."

Silva impatiently leaned closer. "Do you realize what you're saying? The contractors here assemble half a million products a year for SPI, all at competitive prices."

"I know the numbers," Bell said. "But that doesn't change anything. You know the guidelines. We can't have kids in the plants, right?"

"It's just not as black and white as you're making this seem," responded Silva, looking carefully at Bell. "These contractors produce on-time with good quality. They provide jobs for local people, and there aren't many dependable jobs around here. People here need a stable job with a steady income to feed their families. These contractors meet our production quotas and we make sure their employees can eat."

"Fine," Bell interrupted. "But SPI has contractors in other countries that produce just as well and also manage to comply with the

company's guidelines."

"O.K.," Silva said, looking weary. "If we ask them to, the contractors here will fire the kids under 14. But that will affect a lot of families, all of them very poor. Did you ever think about that? Hiring older workers that meet the guidelines will probably cost more money, so we may have to renegotiate our contracts."

"How much money?" Bell asked.

"Some of the young kids that come with their mothers aren't paid anything or very little. The older kids on the machines are paid trainees' wages, so labor costs will increase by at least a third if we pay the adult minimum wage. Or, if we stick with the kids, we'll have to document that they're really 14. A lot of kids don't have birth certificates here, so that could be very difficult."

"How can we find out their real ages then?" Bell asked.

"It's almost impossible," Silva answered, "You can ask kids, but many will lie about their ages because they need the jobs. You'll see when we get to the plant. We're almost there."

As they turned onto the road leading to the plant, Bell could feel the tension inside him rising. They walked in the door and looked around. The cement walls and floor were swept clean. In contrast to the bright, steamy sunshine outside, the room was fairly dark and the air stale. A single light bulb hung down by a wire over each sewing machine.

About 50 women and girls were in a large room. A young girl was picking up scraps of material on the floor next to a cutting table, while others were carrying material to and from the sewing machines. Whenever Bell looked in their direction, all of the girls and women looked down.

The plant manager, Manuel Acosta, led them on a tour. They saw the cutting tables, walked between rows of sewing machines, then went to a separate room where the clothes were steam-pressed before shipment to the United States.

As they walked towards Acosta's office, Silva stopped to ask a question of one of the girls sorting scraps. She answered quietly, looking up shyly.



CHIP MITCHELL

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## STUDENT HANDOUT #2-A

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“She says she likes working here,” Silva said. “Her mother works here and so do many of her friends. She wants you to know she’s a good worker.”

“But why isn’t she in school?” Bell asked, thinking she looked about the same age as his 9-year-old daughter.

“Her family probably needs her to work,” Silva replied. “Schools here cost money. Even public schools. Parents have to buy pencils, notebooks and textbooks. Many of them can’t afford it. If they can afford to send a child to school, it’s usually a son.”

As they entered Acosta’s office, Bell thought about what he’d seen at the plant. The conditions here weren’t really all that bad. The plant was clean, and the working conditions seemed decent. Bell asked Acosta whether he kept records for all of the employees.

“Of course,” he answered. “We have to pay the workers on a regular schedule.”

“Do you make sure all the workers are at least 14?” Bell asked.

“Yes, of course, sir,” Acosta replied. “We check on all of the skilled workers. The little ones you see aren’t really workers. They just come in to be with their mothers and talk with their friends. They help their mothers - the same way they would if they were at home. They like coming here.”

ON THE PLANE to New York, Bell kept replaying in his mind the visit to the Dominican plant. He could imagine *Prime Time Live* or *60 Minutes* digging into such a scene. He even imagined a lead-in to their story, “Did you know that those sweatshirts you wear were made by the sweat of children?”

Bell felt unsettled. He had a couple of options. If he followed the new company guidelines to the letter, SPI could demand that the Dominican contractor verify the age of each worker and hire only those 14 or older. But that would force some workers from their jobs, and he realized that their

families needed the money. Tight compliance might not be the best deal for the company either. SPI’s production costs would increase if its contractors had to pay adult workers higher wages.

Another option would be for the company to shift production to another plant, but that would mean temporarily higher costs. It also would take jobs from workers that did quality, on-time work. With fierce competition in the apparel market, the company couldn’t afford higher production costs. And U.S. retail stores were depending on SPI to deliver its spring line on time. He didn’t want to jeopardize SPI’s position with the retailers.

On the other hand, Bell remembered the faces of the girls in the plant and wondered how fair it would be to do nothing as his own daughter spent her days in school instead of working 10 hours a day. On top of it all, he wondered about the rumors of a television crew investigating child labor in SPI plants. How would an exposé affect the company’s reputation?

Bell also realized that implementing the company’s guidelines meant somehow making sure the contractors complied. He recalled a recent conversation with a human rights advocate named Gloria Alvarez, who said policies and guidelines weren’t enough, that there needs to be a process for monitoring and verifying compliance. She insisted that the monitoring be done by independent human rights groups instead of a clothing corporation’s own auditors. Others had suggested leaving the monitoring to the host country’s government. Then there was the issue of *what* to monitor. Alvarez explained that it was important to check employees’ working conditions in addition to their ages.

As Bell’s plane descended toward New York, he gritted his teeth, trying to decide whether to put SPI’s Global Guidelines on corporate responsibility to the test. The whole issue seemed so complicated. What should he recommend to the company? Even though he believed in SPI’s social responsibility, he also was responsible for its bottom line.

*From Child Labor Is Not Cheap  
Resource Center of the Americas.*

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## STUDENT HANDOUT #2-B: Role Assignment—Tom Cervantes, Vice President, UNITE

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\*UNITE: (Union of Needle Trades, Industrial and Textile Employees)

**Job Description** - You were once a garment worker and now you work for an American labor union called UNITE, which negotiates union contracts on behalf of many thousands of garment and textile employees in the U.S. (A **union is a group of workers** who come together **to deal more effectively with the power of their employer**. Unions negotiate **legally binding contracts** with employers which give workers a **voice in determining wages and working conditions**.) In fact, those SPI factories that still remain in the U.S. were organized by UNITE many years ago. Since NAFTA (North American Free Trade Agreement) was passed in 1994, it's been increasingly difficult for your workers to get decent contracts because SPI, like many U.S. companies, has been encouraged by reduced taxes and other financial incentives, to close factories here and move production to off-shore sites in free-trade-zones. You've recently formed a committee, including union representatives from the U.S. and the Dominican Republic (D.R.) to see how UNITE can support union organization in maquilas there and in other 3rd world nations where SPI conducts business.

After Bell returned from the D.R., s/he called you to talk about the situation there. You frequently travel there to meet secretly with union leaders, because, although unions are legal under Dominican law, they have been harshly repressed. None of SPI's maquilas overseas are union workplaces. Workers who either attempt to organize unions, or are even sympathetic to unions, are fired and blacklisted from the industry. Some are even disappeared and killed. Without the protection of unions, wages of adults in poor countries often fall beneath the poverty level, and this forces children to work to help subsidize family income.

As a union person, you know that American workers, too, have been hit hard, with over a million jobs lost in the garment industry alone, as corporations have moved production to nations where unions are actively repressed or non-existent. Unless U.S. unions and their workers unite with workers in other countries, U.S. corporations will continue to relocate overseas for cheaper wages and higher profits. Here are several important ideas and recommendations you should be prepared to present at tomorrow's meeting:

1. Under U.S. law and international conventions, workers have a legal right to form unions and collectively bargain a contract with their employer. Unions give workers a voice and power in determining their wages and working conditions. Union contracts also ensure that the workers have a way to solve problems and grievances fairly, without being punished or fired. You recommend that SPI allow workers at its maquilas **to organize unions on site, so that the workers themselves can bargain for adequate wages and working conditions.**

2. SPI should **raise the wages of the adult workers** to a **living** (not minimum) **wage** immediately. **If adults earn enough to support their families, there will be no need for children to work.** This is a crucial connection that you must get Bell to understand, otherwise child labor will never end. Share the **mathematical calculations** on the back of this reading, which show how little the price of a garment increases, even if workers' wages are multiplied by as many as ten times.
3. Several other groups are already advising SPI to **verify and monitor** workers ages, you can let SPI know that with a **union** on site, a workers' task force could be established to **do the monitoring**. This would eliminate the need for SPI to hire someone or some outside organization and save the company money.
4. Unions have always stood for **human rights** - as well as economic rights - for all workers. Historically, unions fought hard to end child labor in the U.S. They believe children should have the right to an education and to grow up free from exploitation. You believe that the child workers in the D.R. today are entitled to no less. You would like to see SPI set up **programs** to benefit children and young workers directly, such as **scholarship** and **recreation** programs, as well as **health care** facilities. Perhaps SPI could build low cost, quality **housing** for employees and their families. SPI could also donate a percentage of their profits, *created by the workers' labor*, to fund these socially responsible programs. What percentage would you suggest SPI donate? 1%? 2%? 5%? More?



**Job Description** - As SPI's Marketing Vice President, you are responsible to take the garment from the point of its manufacture and get it to the point of purchase by the consumer. This means that after the clothing is made, you are responsible for packaging, labeling and pricing of the goods; transportation; choosing which stores will carry your products; as well as all marketing and advertising of SPI products.

Bell has presented the company with a difficult problem. In today's economy, global corporations like SPI do business more and more often in developing countries. Why there? For the most part, because they offer cheaper labor and fewer regulations compared to the United States. Even so, issues like child labor raise big questions about corporate values and ethics. As a company officer, **you are concerned about** SPI's shareholders and the company's **profitability**, but from your marketing experience, you also want the company to uphold its **high standards and public image**. The brand name SPI is priceless and should be protected. Brand names have become increasingly important to people when they decide what to buy. Because SPI is so well-known, it must uphold its corporate reputation. Highly visible companies have a number of reasons to conduct business not just responsibly, but in ways that cannot be portrayed as unfair, illegal, or unethical. Protecting and strengthening a corporate reputation requires a long-term, strategic mind set. Here are several recommendations you should consider presenting at the meeting:

1. SPI could cut ties with the D.R. contractor altogether and **close the maquila**. This would be difficult and costly, but may also head off a network-television news magazine like *60 Minutes* from airing a story that does severe and lasting damage to the company's reputation. SPI should quickly assess how bad the problem is, and make a decision. Do you think SPI should get out of the D. R. or try to remedy the situation? Will you recommend Bell terminate the contract with this factory or not?
2. SPI should maintain its anti-child labor reputation by setting up a system to **verify or prove the ages** of its workers. Since the company *auditor* has access to the worker's files, wouldn't she be the logical choice to do the monitoring?
3. SPI should develop **innovative programs** to improve the conditions in its D.R. maquilas. SPI could set up nice lunch areas and free meals for the workers, maybe a library. How about suggesting a small school for younger workers or an on-site company doctor? This could help protect SPI's image.
4. Deal with this problem in a positive way, by creating an entirely **new marketing strategy** based on SPI's reputation for social responsibility. You could target the socially responsible consumer by doing an **advertising campaign**, showing SPI as a corporate leader against child labor. In fact, people in your department could work up a new **a new clothing label** that says something like "made only with adult labor." This is a growing market and one that has a good deal of money at its disposal. Have your team **come up with a catchy slogan or a sketch of a new label** to show Bell at the meeting.
5. Finally, you want to point out to Bell whatever changes he makes shouldn't cost too much. **Share the mathematical calculations** you have come up with (on the other side of this handout), which demonstrate that multiplying worker's pay, even 5-10 times, **adds very little to the actual cost** of the garment. This should satisfy Brown and Silva in manufacturing, since it looks like SPI can maintain both the bottom line (profits), as well as its reputation for social responsibility.

**A Calculation: Effects of Higher Wages**

**BY LARRY WEISS**

When we talk to clothing retailers about requiring better wages for the workers who make our clothes, they often tell us that wages must be held low so that U.S. consumers can have inexpensive products. Let's examine this claim, using the example of the Gap T-shirt from the video *Zoned for Slavery*.

The shirt sold for \$20 and the workers were paid \$.56 an hour or about \$.12 per shirt. In 1994, the Salvadorian government calculated that it takes \$2.20 an hour minimum or \$.48 per shirt to support a family. Let's do the math to see how much more it would cost if we quadrupled (multiply by 4) the worker's wages per shirt:

$$$.12 \times 4 = $.48$$

Since they already earn \$.12 per shirt, we can deduct this amount: -.12

To find out how much more the shirt will cost: +.36

The cost of the \$20 Gap T-shirt is now only \$20.36! Why is it that a large wage increase would produce such a small increase in the shirt price? Because wages are a very tiny portion of the cost of the shirt. In fact, multiplying the wages by 10 - raising them to \$5.60 per hour - would add only \$1.20 to the shirt's retail price, raising it to \$21.20, and still causing almost no loss at all in company profit. Plan how you can explain this concept visually to the other groups and Bell at the meeting. Use the box below to create a chart that you will put on the board.

**Job Description** - You work for a coalition which is a non-profit group of organizations united on the issue of child labor. Your organization's comes from contributions from thousands of individuals which is about **250,000 members worldwide**. You are a salaried employee of the Coalition and are considered a leading expert on child labor. Your job is to work with the public, business, and governments in order to defend the rights of exploited child workers who cannot speak for themselves. The **goal of your coalition is to end child labor worldwide** and your organization employs many tactics including educational events, benefit concerts, letter-writing campaigns, and fund raisers. If necessary, however, you have used direct actions, such as protests and boycotts in order to pressure companies who continue to exploit children.

After Bell returned from the Dominican Republic, he called you to come to an advisory meeting in New York to discuss a problem regarding child labor at one of SPI's factories. He knows that **you represent a human rights perspective** and wants you to bring this point of view to the discussion. They asked you to recommend what steps, if any, SPI might take to comply with its *Global Guidelines for Business Partners*. Here are some of the ideas and recommendations you should be prepared to offer:

1. Although your group stands strongly against child labor, you also understand that the problem is complex and in order for it to be eliminated, many things must be done. First, SPI must **follow D.R. laws** on child labor **with a monitoring system** to verify the ages of the workers. Either your coalition or another *independent* human rights organization could do the monitoring.
2. It's not enough to "prove" the workers' ages. You will also advise SPI to implement a system to **monitor working conditions** at its maquilas - health and safety, as well as humane and just treatment for all of its workers .
3. Instead of merely abiding by the weak laws that exist in poor countries like the D.R., you think SPI should take a positive and *pro-active* approach by reviewing and **strengthening its Global Guidelines** on child labor. You will recommend that SPI adopt a **stronger child labor standard** for its workers, and not hire workers under the age of 16, as it is in the U.S.
4. SPI could also set up **programs that benefit child workers** and their families directly. The company could finance **on-site doctor visits and meal programs**. It could also set up an on-site **education program** for underage children.
5. SPI could **increase workers pay to a living wage standard** (what it takes to live, not just minimum wage) while they attend school, offer jobs to their parents, and rehire them when they turn 16. Case in point: Levi Strauss, the U.S. blue jeans manufacturer, did this in Pakistan, about 10 years ago. Other companies soon adopted similar policies, significantly increasing the nation's school enrollment and improving Pakistan's standard of living. The achievement, however, came at great cost, when several years earlier, Levis, like many other companies, closed U.S. factories, fired workers and moved to poor countries, where labor is much cheaper. In other words, Levi's financed improvements for Pakistani children on the backs of American clothing workers. Relocating business overseas has become much easier because of treaties like the North American Free Trade Agreement (NAFTA). Globalization affects workers on both sides of the job market, and as consumers / non-consumers in 1st and 3rd world countries.
6. You are also well aware that SPI is not bound to implement any of the recommendations from the meeting. Therefore, you will want to remind SPI that if they choose to do nothing to remedy their problem of child labor, your organization might have to take them to task. You **could threaten SPI with some possible actions** (such as boycotts or protests at department stores like Macys, where SPI's line is sold). This could really damage SPI's image as a *socially responsible company*. Or might it be wiser to try a more friendly, non-threatening approach in working with SPI? It's up to you. If you decide to threaten SPI with direct action when will you make your move? At the beginning of the meeting? Middle? Depending on what is said at the time?

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## STUDENT HANDOUT #2-B: Role Assignment—*Maria Vasquez, Attorney-At-Law*

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**Job Description** - Your law office specializes in labor issues and you are hired (contracted) by companies to give **legal advice** on various problems, such as the one that SPI is now facing on the issue of child labor. Sometimes you think that you walk a thin line between telling companies the honest truth about their problems and trying to present the information in a way that does not come off as overly critical. After all, you make your money by being hired by these companies to advise them and would like to continue to be hired again in the future.

You have worked with Sports Products International before and Mike Bell, the company's vice-president for international contracts, has invited you to an advisory meeting to consult with him on **SPI's potential legal liabilities** in the Dominican Republic (D.R.). You agreed to do some research and are coming to the meeting with the following information and recommendations:

1. You will want to first brief Bell on **D.R. law** regarding child labor. **In the D.R., a child is anyone younger than 14, or who has not passed the sixth grade. It also states that children under 14 may not work more than seven hours a day, including rest intervals.**
2. You will also need to let Bell know that there are **civil**, but not criminal, **penalties** for violations of D.R. law, which could include a fine (probably a minimal amount). More important is the negative publicity that could result and you recommend that Bell take steps to follow D.R. laws regarding child labor.
3. Assuming Bell does follow your suggestions, h/she must find a way to check or **monitor** the ages of the workers to ensure that none are under 14; have not passed 6th grade; or works more than 7 hours a day, if they are under 14. Also, **who should** you recommend to **do the monitoring**? The company auditor, or an outside organization, such as the United Nations or Amnesty International? You decide what to recommend.
4. You will also need to point out to Bell a major **problem in monitoring** the age of the child workers: most children in poor countries like the D.R. are born at home and therefore, do not have birth certificates, as legal proof of age. However, since 98% of the country is Roman Catholic, infants are baptized and all have baptismal certificates, filed with their local churches. Either this or using census data ( a nation's official population count, which includes birth dates of all family members) might provide the proof of age you will need to be in compliance with D.R. law.
5. Another **obstacle to following Dominican law** is the 6th grade **educational requirement**. If SPI's child workers have not passed the 6th grade, how do you recommend they comply with the law? Should SPI fire young workers who don't meet the requirement? Or should SPI help workers by holding evening literacy classes on-site, or give scholarships to workers who return to school (and offering them jobs after they complete their education)? What will you recommend?
6. You could also suggest that SPI **strengthen its Global Guidelines** and define child as anyone under 16, as it is in the United States, with some exceptions.
7. SPI **could decide to ignore the law** altogether. Only a very few companies actually do get caught, like Nike a few years ago. Enforcement of laws like this is virtually non-existent in poor countries. And how much did exposing Nike hurt the company's business?

On the other hand, your research has shown that companies do lose sales when negative publicity gets going - remember the Kathie Lee Gifford - K-Mart scandal? She used to be on a morning talk show with Regis Philbin and has a line of clothing which is sold at K-Mart. Lee nets \$7 million a year just for the use of her name on the label. While the tag said that a portion of the price went to support abused children, it was later exposed that child labor and exploitative working conditions prevailed (and still do) in factories that manufacture clothing under her label in El Salvador, China, and other poor countries.

And earlier this year the issue of social responsibility was raised by one of the SPI shareholders at one of the corporation's quarterly meetings. But people also forget, too. What makes the news one day is stale the next. Should you **bring up the issue of social responsibility** or not? Will you recommend SPI ignore the law or be socially responsible, even if there's no real chance of them getting caught?

**Job Description** - As Caribbean Sourcing Manager, you are responsible to locate contractors that own maquiladoras in your country to manufacture clothing for SPI. You locate the maquila, contract with them for a specific number of garments, and oversee the process of manufacture so that the garments meet SPI's standards of quality. In effect, you are the local contact for the company and you are the one that troubleshoots any problems that may come up on a day to day basis and report them to your boss, A. Brown, Manufacturing Vice-President, SPI.

Bell's visit to the Dominican Republic (D.R.) has made your life difficult. Shortly after he returned to SPI headquarters in New York, he met with other top SPI officials about the investigative reporters who are snooping around in the same free-trade zone where your SPI maquila is located. Of course, SPI doesn't *own* the factory, you just *contract* with the owner for a specific number of garments. You don't think it's a serious problem and that nothing will come of the reporters, but since you made all of the arrangements on the D.R. end - and since Bell's visit - you're kind of worried about your job.

You are a Dominican national and will be the only advisor at the meeting who *comes from the culture* and who has an understanding of work and the economy of the D.R. that none of the others have. You can help the Americans to understand that the D.R. has a different *culture* and *customs* regarding work than they do the United States. And child labor illustrates one of those differences - it's common in the D.R., where kids are *expected* to help their families. It's a custom that has endured for centuries. When U.S. companies like SPI relocate factories to poor countries like the D.R. and make maximum profits, then they should accept certain *cultural differences*. So when you go to the advisory meeting, you will come armed with information and recommendations for Bell:

1. SPI hired you to find contractors who can deliver quality goods on time for the lowest price. This means hiring the best workers for the best price. Maybe a very few of the workers are not quite 14 years old, but **it's difficult to document their ages**. Most of them are born at home and therefore, do not have an official birth certificate for verification. So what can SPI do? You're not a child labor cop, in fact, you sympathize with their situation. The only reason that children work at all is to help support their families and that's a good thing. If SPI wants to **verify workers' ages**, you could suggest that the parents **sign an affidavit** in the presence of the company lawyer,

**saying that their child is over the age of 14 or has passed the sixth grade.**

2. Even if there were a few child workers at the maquila, the likelihood of SPI getting caught is highly unlikely. Not only are D.R. laws on child labor weak, but there is no money to *enforce* such laws. Countries like the D.R. look the other way at these types of labor violations, after all, they are grateful companies like SPI provide jobs for their citizens. So you might recommend that SPI take its chances and **adopt a 'wait and see' approach to the problem**. Suggest they do nothing for now. This way SPI won't draw any unnecessary attention to the maquila, and unwittingly attract those snooping reporters to your door (remember what happened in the film, *Zoned for Slavery?*).
3. You are concerned that this paranoia (unreasonable fear) about child labor might make SPI consider getting out of the D.R. altogether. Remind Bell that your contractors have always produced high quality, on-time goods at competitive prices. The shareholders certainly haven't been complaining. D.R. maquilas produce over 500,000 items a year, a big portion of the company's total production. **Is SPI ready for the huge cost of relocation, retraining, and paying workers elsewhere** possibly higher wages? You want to **convince Bell to stay in the D.R.**, it's good for the workers, it's good for the economy, it's good for the company.
4. One thing you are concerned about is the health of your workers. Because they are so poor, they can't afford to eat consistently and as a result, many are malnourished. If SPI would provide **free breakfast and lunch** (and a light dinner when a big rush order comes in) to workers, this would improve their health, and increase their production quotas too. Maybe you will want to suggest this meal program idea to Bell at the meeting.

**Job Description** - As Manufacturing Vice President, you are responsible for the entire production process which makes the clothing sold by SPI. This includes everything from purchasing the raw materials from which the garment is made, such as cotton and nylon; locating the country and production facilities; setting up the manufacturing line; as well as managing costs and overseeing the entire process to completion. Eddie Silva, your Caribbean Sourcing Manager, is your liaison to the Dominican Republic (D.R.), and reports directly to you.

Bell has presented the company with a difficult problem. In today's economy, global corporations like SPI do increasingly more business in developing countries. Why there? For the most part, because developing countries offer cheaper labor and fewer regulations compared to the United States. And especially with treaties the U.S. has signed with other countries, such as the North American Free Trade Agreement (NAFTA) and the General Agreement on Tariffs and Trade (GATT), opportunities overseas have grown.

**Your perspective** comes from your primary concern: the bottom line for SPI's shareholders. You know how easily SPI's competitive edge can be jeopardized with just the slightest increases in costs. And you want to be a voice of reason at the advisory meeting Bell has invited you to attend. Your point of view may not be the most popular or politically correct, but it's based on factual information. Here are some of the ideas and recommendations you will bring to the meeting:

1. Your job with SPI has allowed you to travel to many poor countries in Latin America and the Caribbean, including the D.R., and you have first-hand knowledge of the poverty which exists there. One of the sad facts is that these countries are so poor, **kids need to work** to help their families survive. Historically, every industrialized country that you have studied, including the United States, has gone through a "**sweatshop**" phase. Only 100 years ago, children worked in clothing factories in places like Lowell, Massachusetts. What might happen to the D.R.'s economic development if the very factories that are industrializing the nation were to be closed for lack of business? Should American *cultural values* regarding child labor blind SPI to what may be in the best long-term, economic interests of a nation? Will you recommend that SPI **continue to produce clothing with its contractors in the D.R.?**
2. In order for SPI to maintain its bottom line, you would like to see SPI **continue to hire young female workers**. They are often quicker than workers in their 20's or older. Their eyes are sharper and their fingers more agile; **they are at the peak of their hand-eye coordination skills**. Girls are also more obedient, and less likely to know their rights, or "rock the boat". (It may not be a politically correct thing to say these days, but it's true). Young workers are usually obedient and less likely to help organize or join labor unions, all of which helps to maintain low costs for the company. Isn't that what SPI pays you for - to contain expenses and keep shareholders happy?
3. SPI could check the ages of the workers with a **monitoring system** to stay within the bounds of the Dominican child labor law. But, frankly, this could be difficult and costly. And it would open up SPI's production process to outsiders and competition alike. You don't think it's necessary, but you could advise Bell to implement a low-cost, simple monitoring system - a written statement, signed by the young worker's parent, and certified in the presence of a notary public, should be adequate.
4. And to meet the letter of the child labor law in the D.R., SPI can hire a **tutor** for those young **workers who have not yet passed the 6th grade proficiency test**. You can hold after-work sessions at the maquila and reward those workers who pass the exam with a raise in pay. If SPI implements your suggestions, it should be able to maintain both the bottom line, as well as your *Global Guidelines for Business Partners*.

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**STUDENT HANDOUT #2-C: Prep For Meeting With Bell, .....**

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Mike or Michelle Bell, Vice President SPI, International Contracts, has invited six advisory teams to an important meeting to help resolve an impending problem over child labor at one of its off-shore facilities. If Bell accepts your team's recommendations, you could influence the future direction of this leading American corporation, with its reputation for quality sportswear and social responsibility.

**Instructions:** Using the information from your role assignment and from your group discussions, develop a set of proposed solutions for SPI's situation. Choose one member of your team to be *facilitator*, who reads guidelines for each round, and makes sure each member of the team contributes to the discussion. Discuss first, then each student writes notes on own handout. Do one round at a time.

**ROUND 1 - ADVISORY TEAM INTRODUCTIONS** - This is your opening statement, which tells who you are, job title or organizational affiliation. Briefly tell what you do and why your viewpoint is important enough for Bell to listen to.

**ROUND 2 - DEFINING THE PROBLEM** - Does SPI have child labor problems? Explain exactly what you think the problems are on this issue, from your point of view. Discuss how the situation affects the child workers. Adult workers. SPI. Consumers.

**ROUND 3 - RECOMMENDATIONS** - Present the various solutions that you think Bell should consider in order to remedy the problem. (See your role handout for various ideas.) Tell Bell which ones your team thinks are best and why. Also discuss what might happen if SPI does not adopt your recommendations.

**ROUND 4 - CREATIVE SOLUTIONS** - Choose 2-3 other groups you could visit to build alliances and unite on solutions to recommend to Bell. Next, choose two team members to become *traveling negotiators*, while the rest of the team will become *sitting negotiators*. All negotiators take notes. After your group reconfigures, share information and then write your new ideas. Lastly, assign one team member to be spokesperson for each of the rounds. (If there are more than 4 students on a team, you can double up on Round 3 or 4.)

**HOW THE MEETING WILL WORK** - Each group will open up their circle into a semi-circle or "u" shape, so the round table discussion can begin. **Place the group sign on the teammate's desk who is speaking in that round.** Members of the group can add information the spokesperson may have omitted, with Bell's permission. **Groups present in the following order in each round: 1st-Silva, 2nd-Vasquez, 3rd-Brown, 4th-Jacobson, 5th-Alvarez, and 6th-Cervantes.**



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## STUDENT HANDOUT #2-D: Debriefing Questions

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**A. Bell's Decision** - List the specific details of the decision made at the end of yesterday's advisory meeting:

**B. Your Analysis** - Stepping out of your role, answer the following questions in a thoughtful and complete way. **Use the bottom of this page and the other side of this handout for your answers.**

1. Based on Bell's decisions listed above, how successful were the 6 groups in solving the child labor problem? Explain. Which groups had the biggest influence on Bell? Why?
2. How realistic was the role play? What were the most meaningful / relevant facts you learned about child labor?
3. How did you *feel* playing your role? What was the easiest part? The most difficult? Please explain.
4. What have you learned about the **causes** of child labor? About its **effects**?
5. Who is responsible to end child labor (governments, individuals, workers, consumers, companies)? How?
6. How much power do teenage consumers have to influence business use of child labor around the world? Explain.
7. Create a flow chart or diagram which shows the most effective solutions to the problem of child labor.
8. From what you learned in the simulation and film, how might you use this information in your daily life?

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## STUDENT HANDOUT #2-E: Team Evaluation

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Team Name \_\_\_\_\_ # of days or class periods absent \_\_\_\_\_

**Student Instructions:** The purpose of this assignment is to give you a grade for your contributions to the team's success in the case study. Both you and the members of your team will have the opportunity to give input on this assignment. You fill in the top section titled *Self Evaluation* only. Describe specific actions that you took to help your team such as "I completed all assignments," "came up with the idea for . . .," "led the discussion on . . .," etc.

After you complete this section, your team will do the bottom half, outside of your presence. Here's how it works. Each member of the group will leave the room, one at a time, while the team reads what the individual member has written, discusses it, agrees or disagrees, and completes the bottom half. All of you will have a turn outside of the room (one member from each group leaves the room for no more than about 5 minutes. This means that only six students - one from each team - will be out of the room at any one time during this activity). Your teacher will make the final grade decision.

### Self Evaluation:

*I believe that I earned the following grade for the contributions I made to my team. I will provide an example to support each of my reasons below.*

Grade \_\_\_\_\_

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

### Team Evaluation:

*We believe that \_\_\_\_\_ earned the following grade for the contributions s/he made to my team in the simulation. (Give actions, examples, and consequences, where applicable, which support this grade. See paragraph 2 above for assistance.)*

Grade \_\_\_\_\_

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

**F**or several years, maquiladora workers in Honduras have been quietly organizing against dramatic odds. That organizing is starting to pay off: Workers have won significant victories at two maquiladoras in Continental Park, an industrial park owned by Jaime Rosenthal. Rosenthal is an influential business leader and presidential candidate from one of Honduras' wealthiest families.

The first victory occurred at Kimi, a Korean sweatshop whose primary customer is J.C. Penney. Workers there gained union recognition and won a two-year contract including a 10 percent wage increase, and improved health benefits and bonuses.

The second major victory occurred at Yoo Yang, a supplier for Phillips-Van Heusen and Kohl's, where workers have forced management to recognize their union, SITRAIMASH, over the objections of the Ministry of Labor. Local activists think the Ministry of Labor may have

denied the union recognition because it would be an industry-wide entity, which could affiliate workers at any maquiladora.

International solidarity has played a key role here. The maquiladoras supply large U.S.-based companies and these companies have been forced to stick with their suppliers, after the union went public. Without pressure on the brand name as maquiladoras organize, contractors will move elsewhere.

The union victories themselves are a result of years of quietly building a worker-to-worker network. According to organizer Marina Gutierrez, leadership was developed in a participatory fashion "so if someone is fired, anyone can speak up and represent."

Gutierrez was recently in the U.S. speaking to supporters and consumers about conditions for workers in her country.

### **Marina Gutierrez in Honduras**

## ***How We Clandestinely Organize Sweatshops***

*by Marion Traub-Werner*

Marina Gutierrez is one of very few women in Central America who has organized a sweatshop into a union shop, and not just once, but three times. In April, Gutierrez toured the United States talking about the importance of union organizing in the now infamous maquiladoras of Central America. STITCH, a women's labor solidarity network, sponsored the tour along with the U.S./Labor Education in the Americas Project.

Gutierrez focused on her recent efforts to organize a factory called Yoo Yang, producing for Kohl's and Phillips-Van Heusen. She explained to U.S. consumers that as long as the workforce in Central America remains mostly unorganized, misery and tears will be stitched into every hem of our clothes.

As a worker in a Honduran maquiladora sewing bras for Warner's, Gutierrez organized the first union in the industry in 1981. The union exists to this day. But Gutierrez was forced to quit and was blacklisted.

### **BASIC RIGHTS**

She took a job as a full-time organizer with the International Federation of Textile, Leather, and Garment Workers, a global federation. Together with a team of five organizers (all ex-maquiladora workers), and with support from the international solidarity community, Gutierrez helped organize a company called KIMI in 1997. After a two-year campaign, KIMI workers finally won their first contract in 1999. Gutierrez and her team then set their sights on Yoo Yang, another factory in the same industrial park.

According to Gutierrez, workers at Yoo Yang, mostly young women, regularly suffer serious violations of their basic rights. Before the union, workers were often expected to stay until 9:00 pm or sometimes midnight to finish

an order. If a worker refused, she would be suspended for three days. Workers were regularly denied permission to go to the bathroom, leading to kidney infections and the degradation of having to wet themselves on the factory floor. Having yet to negotiate their first contract, workers make a meager wage of \$30 a week, forcing many into debt.

Gutierrez spoke to U.S. audiences about the many challenges she faces to organize unions in the maquiladora sector. Workers in that sector are typically young women between the ages of 14 and 25 for whom the maquiladora is their first paid job. The young workers "do not really think about their future," Gutierrez explained. "Most of them do not think about the consequences of not having life insurance or the right to study."

Another challenge is the companies' strong anti-union campaigns, which come with the tacit or active support of the Labor Ministry. It is taken for granted that the company will fire any worker suspected of union activity, a situation that forces Gutierrez and the other organizers to work clandestinely until they have recruited almost the entire workforce.

Once the union starts to operate more openly, the company takes away production bonuses from all members and often tries to bribe the leadership. In a failed attempt to destroy the union last year, Yoo Yang reportedly offered the election leadership \$3,700 each to abandon the union and leave the company.

### **MONTHS OF PREPARATION**

Gutierrez and her team of organizers have overcome these challenges through a slow process of consciousness raising and one-on-one education. The organizers spend their weekends and evenings for many months visiting workers in their homes.

It may be several visits before they even start to talk about the union. Their first priority is to listen to the worker, understand his or her experience, and offer some basic information about their legal rights. The organizers eventually form neighborhood committees, always keeping the groups small in case the company tries to infiltrate them. Finally, after months of preparation, the union membership meets as a whole for the first time, electing their leadership, notifying the company, and requesting legal recognition from the Labor Ministry.

Throughout 1998 and 1999, workers at Yoo Yang went through this process. By the time the union presented itself publicly, choosing the name SITRAIMASH, it had 480 active members among the 620 workers at the plant.

The role of international solidarity continues to be crucial. Pressure on the brands that supply the all-important contracts to companies can be a deciding factor. In the case of Yoo Yang, for example, knowledge of a pending international solidarity campaign helped force the company in March to sign an agreement with the union promising contract negotiations—despite the efforts of the Labor Ministry to stall the legal creation of the union. Solidarity efforts, however, must be strategically coordinated. "We want to create alliances to defend the union," Gutierrez said. "But these alliances must follow the lead of the workers." □

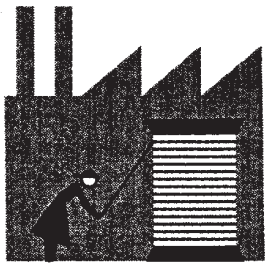
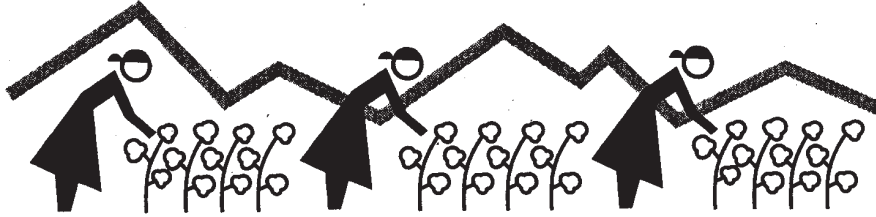
[Marion Traub-Werner works for STITCH. For more information about the Yoo Yang/SITRAIMASH campaign or other union struggles in Central American Sweatshops, contact STITCH, 4933 S. Dorchester, Chicago, IL 60615. Phone 773/924-2738. E-mail <ht52@aol.com>.]

*\*From Labor Notes, June 2000.*

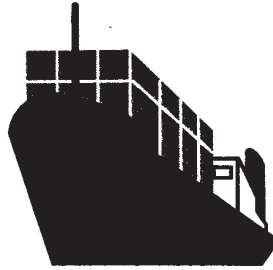
# THE SWEAT BEHIND THE SHIRT

THE LABOR HISTORY OF A GAP SWEATSHIRT by Jesse Gordon and Knickerbocker

**1. UZBEKISTAN.** Workers who harvest cotton earn about 2¢ a pound. Reports indicate that some of these workers are as young as 12 years old and commonly work at least nine hours a day.



**3. SOUTH KOREA.** Raw cotton is processed, spun and woven by textile workers who make roughly \$4 an hour.



...and then approximately 4,000 miles east across Asia, to Korea.



**2.** Raw cotton is shipped through Iran to the Arabian Sea...



**4.** Textiles are shipped north across Asia, this time ending up in far eastern Russia.



**5. RUSSIA.** Sweatshirts are cut and sewn by seamstresses who earn between \$39 and \$69 a month and typically work nine- to ten-hour days, six days a week. According to one report, seamstresses were also given a \$12/month lunch subsidy.



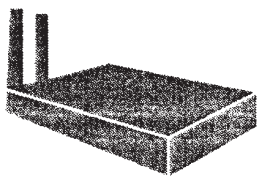
**8.** Nonunion truckers are paid anywhere from 28¢ to 40¢ a mile to drive containers of Gap products from California to the Gap distribution center in Fishkill, NY.



**7.** International Longshore and Warehouse Union members unload cargo. They are paid, on average, \$26 an hour.



**6.** Shirts are loaded onto a ship like the Hyundai Republic (which sails under the Panamanian flag even though Hyundai is a Korean company) and shipped to Long Beach, CA. Union seamen on the Hyundai make about \$1,250 a month.



**9.** Fishkill, NY. At the Gap distribution center, nonunion "merchandise handlers" start at \$10 an hour.



**10.** Entry-level pay for jobs at The Gap in midtown Manhattan is \$6 an hour (nonunion).



**11.** Sweatshirts can be purchased for \$48, sweat not included.

From The Nation magazine, September 3/10, 2001.

# Youth in Action

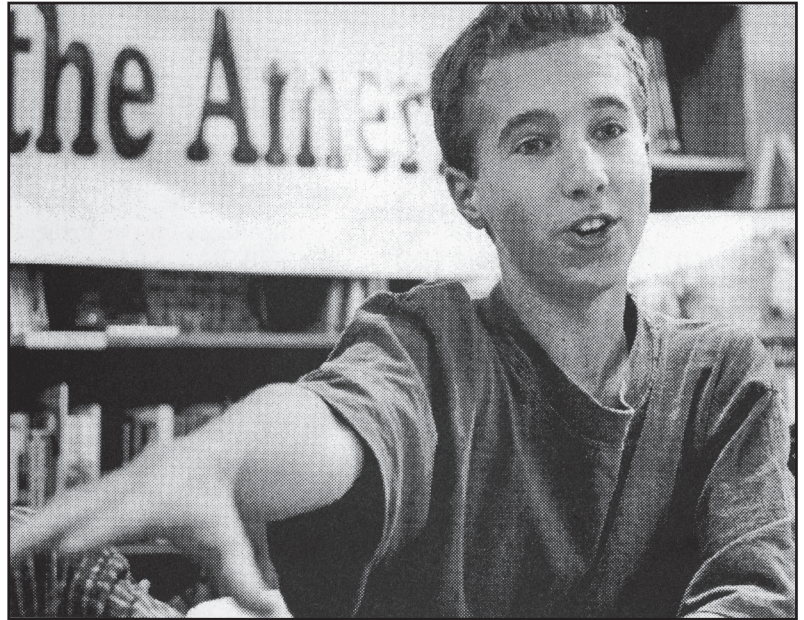
Around the world, ordinary people are working for change through citizen action. People are working together to build schools and community centers, provide food and shelter for children living on the streets, and develop programs so that children can go to school instead of work every day. And, by becoming informed about the conditions in which many kids live and work each day, ordinary people are trying to influence government agencies and companies to investigate and end human rights abuses, and to provide a decent life for children everywhere.

Why is citizen action important? By organizing democratically, people of all ages can develop creative solutions to problems. They can also ask others to participate in their social change work. As you read the following stories about young people, consider these questions:

- What issues is each group addressing?
- Who's participating in the group?
- What are the group's goals?
- What tactics does the group use to accomplish its goals?

**CARRYING THE TORCH:** Iqbal Masih of Pakistan became an indentured servant in 1986 when his parents offered his labor to a carpet manufacturer in exchange for a small loan. He was four years old.

Like thousands of young children in his country, Iqbal was chained to a loom for 12 hours a day, six days a week, hooking entire carpets for pennies. The kids were malnourished, unable to go to school and not allowed to talk among themselves as they worked. They even slept next to their looms. The repetitious work left many of their young fingers disfigured. Owners often hit and fined them for making mistakes. The fines, even after years of work there, would put the children deeper in debt than when they first arrived.



**Craig Kielburger, 14, addresses reporters at a Minneapolis news conference in 1997.**

In 1992, after six years of hooking carpets, Iqbal heard of an organization called the Bonded Labor Liberation Front that worked against child exploitation. He contacted the group and managed to regain his freedom. Only 10 years old, he then committed his life to freeing other kids. In 1994, he traveled to the United States and spoke to Congress and others about the exploitation of children in the carpet industry.

He paid the ultimate price for his dedication. Shortly after Iqbal returned to Pakistan, an assassin fatally shot him in the head. No one has been convicted of the murder.

After reading a Canadian newspaper article on Iqbal's case, 12 year-old Craig Kielburger of Thornhill, Ontario, wanted to do something on behalf of child laborers. He convinced his parents to allow him to travel to Asia to meet with carpet makers.

When Craig returned, he sprang into action. He spoke with his classmates, his scout group and local human rights organizations. With other students, they used the Internet to gather more information. Soon Craig led an effort to form the international group **Free the Children**.

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**'Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has.'**

— MARGARET MEAD

Years later, Craig continues to travel around the world to give speeches, meet with child laborers, and investigate their working conditions. He has met with the Canadian prime minister and

testified before the U.S. Congress. He has appeared on network television, including a 1996 segment on the CBS news magazine *60 Minutes*.

In addition to its educational work, Free the Children is raising money for two projects that will support kids freed from bonded labor. One, a \$75,000 project, backs the construction and operation of four schools in rural India. The other, with a \$160,000 goal, will build and run a live-in center for 100 freed children in rehabilitation, providing basic schooling and work-skills training.

To begin participating, get an introductory packet through Free the Children, 16 Thornbank Road, Thornhill, Ontario, L4J-2A2, CANADA, [www.freethechildren.org](http://www.freethechildren.org).

**EXPOSING HYPOCRISY:** For decades, the Walt Disney Company has prided itself on wholesome entertainment and products for children. But the company seems to care only about the kids who are *buying* the merchandise, not the kids *making* it:

- Workers producing Disney clothing in Haiti include many adolescents. They receive such low pay (28-30 cents per hour) that they can't feed their families. They are terminated immediately if sweatshop managers suspect union activities. Young female workers face rampant sexual harassment.
- On federal raids of Los Angeles garment sweatshops in 1996, agents discovered several child labor law violations, one involving a 12 year-old girl, according to the *Los Angeles Times*. The workers at that shop were assembling Classic Pooh children's clothing for Disney.

- The same year of the Los Angeles raids, the company paid its chief executive officer, Michael Eisner, \$96,000 an *hour!*

Students are supporting the young workers' rights by joining the **Disney Campaign** in care of the National Labor Committee, 2757th Ave., New York, NY 10001, (212) 242-3002, (212)242-3821 (fax), and writing letters to Eisner (see Appendix 3 for his address).

**BOOTING CHILD-MADE BALLS:** In 1996, sixth-graders at J.J. Hill Montessori School in St. Paul took a break from playing soccer to investigate the conditions under which their soccer balls were made. What did they learn? Most of the balls were hand-stitched by children's nimble fingers in Pakistani, Chinese and Indonesian sweatshops.

Not all soccer balls are produced under exploitative conditions. These balls are made by adults and stamped with the Federation International of Football Associations seal of approval. And it's these balls that the J.J. Hill students want to kick.

That's why they got the facts about child labor through the **FoulBall Campaign**. They called sporting goods stores to compare costs of FIFA and non-FIFA balls. Then they started writing letters to Minnesota legislators, proposing a state law requiring that state-funded soccer programs use only FIFA- stamped balls.

The J.J. Hill students also surveyed the athletic directors of St. Paul public schools to find out if their soccer balls had been approved by FIFA and to request that they replace non-FIFA balls. They also drafted circulated and presented a petition to the St. Paul School Board, asking that the school district purchase balls only with the FIFA stamp. The students also shared their research with city parks and recreation centers. Their next step is to raise the issue on the federal level by writing their U.S. senators.

The FoulBall Campaign is a program of the International Labor Rights Fund, 110 Maryland Ave. NE #74. Washington, D.C. 20002. (202) 544-7198. You can also get information on the campaign at [www.freethechildren.org](http://www.freethechildren.org).

**A FIRST STEP IN BANGLADESH:** In Bangladesh, the country's powerful garment industry is committed to dramatic new measures under a 1995 agreement. The industry's workers, totaling more than a million, make Bangladesh a major garment exporter. Most of the workers are women or girls. In 1992, 50,000-75,000 of the workforce was under age 14, despite national laws against child labor.

The situation captured little attention until 1992, when U.S. Senator Tom Harkin introduced legislation that would have barred child-made goods from entering the United States. The bill didn't pass in 1992, but Harkin reintroduced it the next year. Bangladesh's garment employers responded by firing an estimated 50,000 children, about 75 percent of kids working in the industry.

The children went free, but were left with no skills, little or no education, and few alternatives in a desperately poor nation. Bangladeshi schools were either inaccessible, useless or costly. Follow-up visits by the United Nations Children's Fund (UNICEF), local nongovernmental organizations and the International Labor Organization (ILO) revealed that many of the children had become stone crushers, street hustlers or prostitutes - they were working under even more hazardous and exploitative conditions than before. Many mothers, additionally, had quit their jobs so they could look after the kids, who no longer could work in the garment factories.

After two years of difficult negotiations, the Bangladesh Garment Manufacturers and Exporters Association, UNICEF and ILO signed an agreement in July 1995. The pact included four key provisions:

- Employers were to gradually remove all workers under age 14.
- Employers were to quite hiring such under-age children.
- The placement of children removed from the garment factories in appropriate educational programs with a monthly stipend (allowance).
- Employers were to offer the children's jobs to qualified adult family members.

The agreement was a positive first step for those seeking to eliminate hazardous child labor.

**DEFENDING STREET KIDS:** An estimated 7 million children live or work in the streets of Brazil. Some come from families that can't afford to feed them. Others have fled abusive homes.

Many end up sniffing glue or using other drugs to mask hunger pangs and help forget their circumstances. At the hands of police vigilantes, many have been beaten up and some even killed for stealing food or clothing from local vendors, behaving poorly, or merely appearing unkept. Between 1988 and 1990 alone, some 5,000 Brazilian street children were murdered. More than 90 percent of such murders are never brought to justice.

But there is hope. Brazilian street children are organizing themselves in the National Movement of Street Boys and Girls. At the local and national levels, they are teaching each other about their rights and lobbying local and national governments to recognize these rights. One way they have pushed their concerns onto the national agenda is by occupying government meeting halls.

A California group is campaigning to put international pressure on the Brazilian government to investigate and prosecute individuals and organizations tied to the killings. Contact the **International Child Resource Institute**, 1810 Hopkins St., Berkeley, CA 94707, (510) 525-8866.

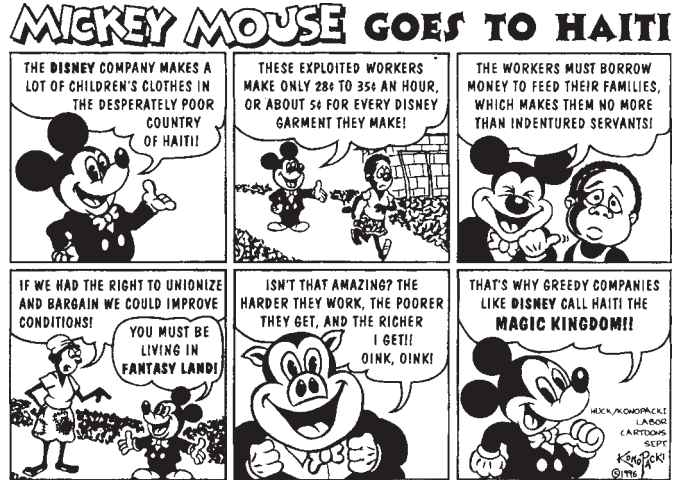
**A SOILED INDUSTRY:** A project that provides information on campaigns seeking justice for workers in the global garment industry is the **Clean Clothes Campaign**. To participate in letter-writing campaigns and petition drives, contact the Minnesota Fair Trade Coalition, 317 17th Ave. SE, Minneapolis, MN 55414. (612) 627-9445. (612) 627-9450 (fax).

*From Child Labor Is Not Cheap  
Resource Center of the Americas.*

**STUDENT HANDOUT #3-B**

# Your Action Plan

The world's complex problems have few easy answers, but this doesn't mean we should ignore what's happening. Now that you've learned so much about child labor you have a chance to make a difference. Developing and carrying out an action plan requires creativity, attention to detail, and hard work. Effective actions often take a 'trickster' approach to show a situation's irony or absurdity. This cartoon, for example, helps focus public attention on sweatshops and child labor through humor.



How are you going to respond? Here's a process for developing an action plan:

- On another piece of paper, brainstorm and write down ideas of ways to respond to what you have learned. Let your creativity flow!
- Decide whether you want to work alone, in a small group or with the entire class.
- By \_\_\_\_\_(date), hand in a rough draft of your action plan.
- By \_\_\_\_\_ (date), hand in a final version of your action plan.\*

**YOUR ACTION PLAN** should answer these questions:

**1.** Are you going to work in a group? (If so, list the group members.)

**2.** What is your goal? What exactly do you want to accomplish?



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## STUDENT HANDOUT #3-B

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*Page 2 of 2*

3. How will you accomplish this goal? What's your plan?
  - a. Specifically, who will you need to contact or work with?
  
  
  
  
  
  
  
  
  
  
  - b. What information and resources will you need?
  
  
  
  
  
  
  
  
  
  
  - c. Where will you carry out your action?
  
  
  
  
  
  
  
  
  
  
  - d. What is your time frame for carrying out your plan? Include a time line for the key decision/action points in your plan.
  
  
  
  
  
  
  
  
  
  
4. What will a successful action be? How do you define success? How will you evaluate whether your plan was successful?

Upon completion of your action plans, each group presents their proposal to the class. If one or more of your plans is workable, your teacher, together with your class, may agree to turn them in to service learning projects.

*From Child Labor Is Not Cheap  
Resource Center of the Americas.*

**Allen Questrom**  
**J.C. Penney**  
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Plano, TX 75024-3698  
(972) 431-1000  
(972) 431-1977 (fax)

**Millard S. Drexler**  
**GAP Inc.**  
1 Harrison Street  
San Francisco, CA 94105  
1-800-333-7899  
(415)495-2922 (fax)

**Richard T. Fersch**  
**Eddie Bauer, Inc.**  
15010 NE 36th Street  
Redmond, WA 98052  
(425) 882-6100  
(425) 556-7653 (fax)

**Melissa Payner**  
**Speigel Inc. (Parent of**  
**Eddie Bauer)**  
3500 Lacey Road  
Downers Grove, IL 60515  
(630) 986-8800  
(708) 769-3101 (fax)

**Arthur Cinader**  
**J. Crew**  
770 Broadway  
New York, NY 10018  
(212) 209-8500  
(212)886-2666 (fax)

**Luxottica Group**  
**(Parent of Casual**  
**Corner)**  
44 Harbor Park Dr.  
Port Washington, NY  
11050  
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(516) 484-3800 (fax)

**Paul R.Charron**  
**Liz Claiborne, Inc.**  
1441 Broadway  
New York, NY 10018  
(212) 354-4900  
(212) 626-1803

**Michael Eisner**  
**Walt Disney Co.**  
500 South Buena  
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**Walmart Stores**  
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Bentonville, AR 72716  
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**Chair)**  
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Beverton, OR 97005  
(503) 671-6453

**Robert J. Ullrich**  
**Target Corp.**  
777 Nicollet Mall  
Minneapolis, MN 55402  
(612) 370-6948  
(612) 370-6565 (fax)

A large, grey, stylized number 7 is positioned in the upper right quadrant of the page. It has a thick, rounded top bar and a diagonal stem that tapers slightly towards the bottom.

A p p e n d i x

**Follow Up: Fact Sheets  
for Every Lesson and  
More Resources for  
Teachers**



# Are You a Working Teen?



## Protect Your Health Know Your Rights

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Labor Occupational Health Program  
University of California, Berkeley  
revised by UCLA-LOSH and the L.A. Collective Bargaining Education Project  
2001

## ARE YOU A WORKING TEEN?

### *Could I Get Hurt or Sick on the Job?*

Every year 70 teens die from work injuries in the United States. Another 64,000 get hurt badly enough that they go to a hospital emergency room.

Here are the stories of three teens:

- 18-year-old Sylvia caught her hand in a electric cabbage shredder at a fast food restaurant. Her hand is permanently disfigured and she'll never have full use of it again.
- 17-year-old Joe lost his life while working as a construction helper. An electric shock killed him when he climbed a metal ladder to hand an electric drill to another worker.
- 16-year-old Donna was assaulted and robbed at gunpoint at a sandwich shop. She was working alone after 11 p.m.

Why do injuries like these occur? Teens are often injured on the job due to unsafe equipment, stressful conditions, and speed-up. Also they may not receive adequate safety training and supervision. Teens are much more likely to be injured when they work on jobs they are not allowed to do by law.

### *What Are My Rights on the Job?*

***By law, your employer must provide:***

- A safe and healthful workplace.
- Training about health and safety, including information on chemicals that could be harmful to your health.
- Protective clothing and equipment.
- Payment for medical care if you get hurt or sick because of your job. You may also be entitled to lost wages.
- At least the minimum wage, \$6.75 an hour in California as of January, 2002. In some cases, employers can pay less than minimum wage during your first three months, if you are under 18. Call toll-free ☎ 1-888-275-9243 for more information.

**You also have a right to:**

- Report safety problems to Cal/OSHA.
- Work without racial or sexual harassment.
- Refuse to work if the job is immediately dangerous to your life or health.
- Join or organize a union.

## What Hazards Should I Watch Out For?

Type of Work	Examples of Hazards
Janitor/Clean-up	<ul style="list-style-type: none"> <li>• Toxic chemicals in cleaning products</li> <li>• Blood on discarded needles</li> </ul>
Food Service	<ul style="list-style-type: none"> <li>• Slippery floors</li> <li>• Hot cooking equipment</li> </ul>
Retail/Sales	<ul style="list-style-type: none"> <li>• Sharp objects</li> <li>• Violent crimes</li> </ul>
Office/Clerical	<ul style="list-style-type: none"> <li>• Heavy lifting</li> <li>• Stress</li> <li>• Harassment</li> <li>• Poor computer work station design</li> </ul>

***Is It OK to Do  
Any Kind of Work?***

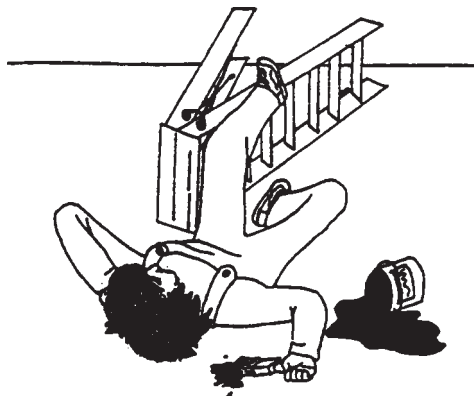
**No!** There are laws that protect teens from doing dangerous work.

In California no worker under 18 may:

- Drive a motor vehicle or forklift on the job
- Use powered equipment like a circular saw, box crusher, meat slicer, or bakery machine
- Work in wrecking, demolition, excavation, or roofing
- work in logging or a sawmill
- Handle, serve, or sell alcoholic beverages
- Work where there is exposure to radiation

**Also, no one 14 or 15 years old may:**

- Do baking or cooking on the job (except at a serving counter)
- Work in dry cleaning or a commercial laundry
- Work on a ladder or scaffold
- Do building, construction, or manufacturing work
- Load or unload a truck, railroad car, or conveyer

***Are There Other Things I Can't Do?***

**Yes!** There are many other restrictions regarding the type of work you can and cannot do.

If you are under 14, there are even stricter laws to protect your health and safety.

Check with your school counselor or job placement coordinator to make sure the job you are doing is allowed.

***Do I Need A Work Permit?***

**Yes!** If you are under 18 and plan to work, you must get a work permit from your school (unless you have graduated).

***What Are My Safety  
Responsibilities on the Job?******To work safely you should:***

- Follow all safety rules and instructions
- Use safety equipment and protective clothing when needed
- Look out for co-workers
- Keep work areas clean and neat
- Know what to do in an emergency
- Report any health and safety hazards to your supervisor

**Should I Be Working This Late or This Long?**

Child labor laws protect teens from working too long, too late, or too early. This table shows the hours teens may work. (There are exceptions for students in work experience programs.)

Work Hours for Teens		
	Ages 14 & 15	Ages 16 & 17
<b>Work Hours</b>	<ul style="list-style-type: none"> <li>• Not before 7 am or after 7 pm during the school year</li> <li>• Not during school hours</li> <li>• 7 am-9pm during the summer</li> </ul>	<ul style="list-style-type: none"> <li>• Not before 5 am or after 10 pm on school nights</li> <li>• Not before 5 am or after 12:30 am when there is no school the next day.</li> </ul>
<b>Maximum Hours When School Is in Session</b>	<ul style="list-style-type: none"> <li>• 18 hours a week; but not over: 3 hours a day on school days</li> <li>• 8 hours a day Saturday-Sunday and holidays</li> </ul>	<ul style="list-style-type: none"> <li>• 48 hours a week; but not over: 4 hours a day Monday-Thursday</li> <li>• 8 hours a day Friday-Sunday and holidays</li> </ul>
<b>Maximum Hours When School Is <i>not</i> in Session</b>	<ul style="list-style-type: none"> <li>• 40 hours a week</li> <li>• 8 hours a day</li> </ul>	<ul style="list-style-type: none"> <li>• 48 hours a week</li> <li>• 8 hours a day</li> </ul>



**What If I Need Help?**

- Talk to your boss about the problem.
- Talk to your parents, teachers, or work-experience coordinator.
- For health and safety advice, contact UCLA's Labor Occupational Safety and Health Program. Many materials are available in Spanish. UCLA-LOSH Program: (310) 794-5964 www.losch.ucla.edu
- If necessary contact one of these government agencies: (your local number can be found in the State Government pages.)
  - ◆ **Labor Standards Enforcement** (under Industrial Relations Dept.) to make a complaint about wages or work hours. Labor Commissioner's Office: (213) 620-6330 www.dir.ca.gov
  - ◆ **Minimum Wage** questions: (888) 275-9243
  - ◆ **Cal/OSHA** (under Industrial Relations Dept.) --for information about making a health and safety complaint. Regional Office: (818) 901-5730 www.dir.ca.gov
  - ◆ Questions about on-the-job injuries, call **Workers' Compensation**: (800) 736-7401
  - ◆ **Fair Employment and Housing**--to make a complaint about sexual harassment. 1-800-884-1684 www.dfeh.ca.gov or call the **EEOC** (federal Equal Employment Opportunity Commission): (213) 894-1000
  - ◆ For information about **unions** in all occupations, call **L.A. County Federation of Labor**: (213) 381-5611 www.launionafclcio.org
  - ◆ For more advice on **workplace rights** and responsibilities, call the **Collective Bargaining Education Project** (of the Los Angeles Unified School District and United Teachers Los Angeles). (213)386-3144 cbep@lausd.k12.ca.us see also www.youngworkers.org

**You have a right to speak up!**  
It is illegal for your employer to fire or punish you for reporting a workplace problem.



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- Talk to your boss about the problem.
- Talk to your parents or teachers.
- For health and safety information and advice, call: \_\_\_\_\_
- If necessary contact one of these government agencies: (your local number can be found in the State Government pages.)
  - ◆ Labor Standards Enforcement to make a complaint about wages or work hours \_\_\_\_\_.
  - ◆ To make a complaint about sexual harassment or race/sex discrimination. Call EEOC Equal Employment Opportunity Commission \_\_\_\_\_ or \_\_\_\_\_.
  - ◆ OSHA Regional Office \_\_\_\_\_ (health and safety complaints).
  - ◆ Workers' Compensation (800) 736-7401 (on the job injuries). \_\_\_\_\_.

**You have a right to speak up!**  
It is illegal for your employer to fire or punish you for reporting a workplace problem.

For information about unions in all occupations, call—the County Federation of Labor, AFL-CIO \_\_\_\_\_.  
[www.aflcio.org](http://www.aflcio.org)



# UNIONS • Why Are They Important?

A union is an organization of workers who decide to join together so they will have a greater say about their wages, hours and working conditions. Under U.S. law, workers have the right to join a union. Despite this right, some employers use questionable, and even illegal, tactics to prevent workers from organizing.

## How do unions represent workers?

### **“How do unions negotiate working conditions with employers?”**

Union members negotiate a contract with their employer through the collective bargaining or contract negotiation process which determines wages, hours and working conditions.

Typically, the contract is negotiated by a team chosen by the employer. Unions with active members that support the negotiating team are more likely to be successful in negotiating a contract that benefits workers.

### **“How can workers demonstrate their strength?”**

Unions are only as strong as their members’ involvement. Many workers expect “the union” to do all the work to improve working conditions, not recognizing that they *are* the union.

Collective action can include petitions, rallies, marches and other organized activities which demonstrate the workers’ unity. Strikes are another example of collective action. They are used rarely, and generally only when negotiations have failed.

Unions are best able to represent workers when the members are strong and unified.

### **“What happens if the employer does not comply with the contract?”**

If the employer violates the contract, the union can file a grievance. There are specific procedures to

follow but this usually involves meeting with different levels of management in an attempt to resolve the problem. If this is not successful, the problem can be resolved by an outside party, called an arbitrator.

Stewards are union members who have been trained to represent their co-workers. Stewards typically handle the first steps of the grievance procedure.

Union representatives employed by the union also assist with grievances.

### **“How can union members have a voice in the union’s decision?”**

Union members elect representatives to the union’s executive board, which makes decisions about how the union is run.

Like any other organization, some unions are more democratic than others. Women and people of color who want to assume leadership roles have had to struggle against some of the same discrimination that exists in society at large.

### **“Where do union dues go?”**

Union members pay dues to the union so it can:

- Meet its obligations to represent workers,
- Organize other workers, and
- Work for legislation and regulations that will benefit workers.



## Why are unions important in our society?

Unions benefit their members by giving them a voice in decisions about their wages, hours, and working conditions. In addition, they have a broader impact on all workers—the changes they make affect both union workers and those not yet organized into unions.

### “What gains have unions achieved?”

Unions have played a key role in achieving the eight-hour day, minimum wage and over-time pay, health insurance benefits, and regulations that improve workplace health and safety conditions.

Unions have also worked for passage of legislation to prevent discrimination in the workplace due to race, gender, religion or disability.

Some examples include:

- The Occupational Safety and Health Act of 1970, which requires employers to provide a safe and healthful workplace.
- The Equal Pay Act of 1963 which makes it illegal for employers to compensate female workers less than male workers for the same job.
- The Americans with Disabilities Act which makes it illegal for employers to discriminate against someone with a disability.



### “Are unions still relevant?”

Union membership has declined from 35% in 1955 to present-day figures of less than 15%, in part due to employer opposition, laws that make it easy for employers to fight unionization, and union complacency.

A new push by the AFL-CIO (American Federation of Labor—Congress of Industrial Organizations) is spearheading union organizing to maintain high living standards for workers in the U.S and abroad, despite the trend of corporate mergers, downsizing and flight to overseas markets by companies who want to lower their labor costs.

#### To see why we need unions, just ask... “Who’s making the profits?”

- In 1965, the average Chief Executive Officer (CEO) of a corporation made 44 times as much money as the average worker.
- In 1998, the average CEO made 419 times as much as the average worker.
- In 1998, for making a \$19.99 children’s jumpsuit in the U.S., workers received \$2.00. Workers making the same outfit in Haiti earn \$0.06 per jumpsuit.
- In 1998, a Haitian worker sewing clothing sold by a major brand name in the United States would have had to work full-time for 158 years to earn what the CEO of that clothing company earned in one hour.  
  
She earned \$0.30 per hour; he earned \$95,000 per hour.

Source: The Global Sweatshop: A Curriculum, National Labor Committee.

## What are some examples of union action?

### **Organizing Janitors**

Rafael worked as a janitor cleaning buildings for poverty level wages and no benefits. A union assisted him and other janitors in a campaign to get workers to join the union.

Janitorial companies and some building owners fought the janitors' right to organize. Only through massive demonstrations, with the support of community and religious groups, were they successful.

The janitors now elect their bargaining team to negotiate their wages and working conditions with the many janitorial companies that provide cleaning services throughout the city.

### **Organizing Hotel Workers**

Lucia has been working one and a half years at a hotel where workers are trying to organize a union because they are tired of an excessive work load. She cleans rooms and makes deliveries.

Last year, the management increased the quota of rooms they must clean. Lucia and the other workers must constantly rush to finish their work.

The employee elevator does not work, and so they are forced to run up the stairs making deliveries because they are not allowed to use the guest elevator. In the past two months, three workers have suffered serious back or knee injuries.

Lucia is supposed to have a half-hour lunch break, but she often has to make deliveries in the middle of her break.

With community support, the workers walk a picket line every Friday to publicize the problems. They hope to force management to recognize their union and to negotiate with them.

### **Collective Action for Health and Safety**

John and Francisco work at a large slaughterhouse and meat packing plant. This industry has the highest rate of non-fatal injuries in the United States.

John is often forced to work overtime on Saturdays even though he wants to spend time with his family. Francisco works on the line cutting meat, where the supervisor constantly pressures them to work faster. His supervisor told him repeatedly that he could no go to the bathroom and that he should stop drinking water. This caused a kidney infection, which led him to lose work.

The union negotiated a contract to make the overtime requirements more reasonable and to require the company to follow health and safety regulations, including allowing workers to use the bathroom.

### **Collective Action for Career Jobs**

Workers at an overnight delivery company, represented by a union, went out on strike to protest the company's increasing use of temporary and part time workers.

In addition to protecting the jobs of these employees, this action was an important step in the movement to protect the rights of all workers to long-term, stable employment.

### **Filing a Grievance Against Racism and Discrimination on the Job**

Sidney worked in a university lab with a supervisor who constantly made racial slurs about him and some of his co-workers.

African-Americans in the lab were not given the same opportunity for promotion as white and other workers. With the union's help, he filed a grievance, forcing the supervisors to change their practices.

### **Collective Action Against Sexual Harassment**

Several nurses in a hospital in a major city experienced problems from a supervisor notorious for sexually harassing female workers.

They contacted their union representative who helped them organize and confront him as a group, convincing him to discontinue his behavior.

Prepared by Linda Delp, UCLA-LOSH Program

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## MORE RESOURCES FOR TEACHERS

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You can find support and additional resources about teaching for social justice from:

*Rethinking Schools*

1001 E. Keefe Ave.  
Milwaukee, WI 53212  
800-669-4192  
www.rethinkingschools.org

*National Labor Committee*

275 Seventh Ave., 15th Floor  
New York, NY 10001  
212-242-3002  
www.nlcnet.org  
nlc@nlcnet.org

*The National Coalition of Education Activists*

P.O. Box 679  
Rhinebeck, NY 12572-0679  
ncea@aol.com; www.nceaonline.org

*Resources Center of the Americas*

3019 Minnehaha Ave.  
Minneapolis, MN 55406  
612-276-0788  
www.americas.org

*Teaching for Change*

P.O. Box 73038  
Washington, DC 20056-3038  
800-763-9131  
www.teachingforchange.org

*California Federation of Teachers, Labor in the Schools Committee*

One Kaiser Plaza, Ste. 1440  
Oakland, CA 94612  
510-832-8812  
www.cft.org/comm-n/labsch

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