

MODULE 9

Unions and the Right to Organize

Module Overview

Time: 2 hours

- Objectives:**
- to analyze the role that unions play in important areas of workers lives
 - to introduce laws that give workers the right to organize
 - to identify what a union does
 - to understand the difference between the contract and the employee handbook
 - to explore how a union works to solve workplace problems

- Preparation/Notes:**
- Read Chapter 6 in *Your Rights on the Job*
 - Prepare flipcharts
 - Copy pictures of *Workplace Situations*
 - Copy Handouts *Working Too Hard, Too Fast?; NLRB Act & Mass. Public Employee Collective Bargaining Law in a Nutshell; Labor Resources*
 - Bring set of cards for Activity 5 *Solving Workplace Problems*

Materials: flipcharts, markers and tape

Module Outline

Module Detail

Welcome and Introduction

Time: 5 minutes

Materials: flipcharts:
Objectives and Agenda

Welcome and Introduction

Welcome participants, introduce yourself and review workshop objectives and agenda. It is helpful to put the Objectives and Agenda on flipcharts to post. Ask participants to introduce themselves, giving their name and union or organizational affiliation, if any.

Icebreaker: What's Your Union Experience

Time: 5 minutes

Note to facilitator:

Note to facilitator:

Option A: Our Right to Organize

Time: 25 minutes

Handouts: *Workplace Situation Pictures 1-13*

Flipchart: *Problems/Some Solutions*

Activity 1: Icebreaker: What's Your Union Experience

Ask participants the following questions, asking for either a show of hands or for people to stand up if the answer to the question is yes.

Who is now a member of a union?

Who has ever been a member of a union?

Who has worked someplace where there is a union?

Who has family members who are in a union now or who have ever worked in unionized workplaces?

Who has family members who are teachers? Nurses? Work for the city or town or state?

Name worksites you know to be unionized - and point out that these are unionized workplaces.

Sum-up: (depending on experience of participants) Comment on how people who have had experiences with unions can bring their experience into the discussion as we look at how unions help to address problems in the workplace.

There are two 2 options for the next activity. Option A uses pictures to describe workplace problems, option B uses a written scenario. Both options have same pupose -- to identify workplace problems and discuss solutions. Choose which option to use. If literacy is an issue, you might prefer to use the pictures. The pictures were used in the first module of the series "Introduction to Workers Basic Legal Protections". If using pictures and participants have done workshop I, point out they will be re-examining what they did before. This can also be a review of laws if participants have taken whole series.

Activity 2: Our Right to Organize

Break participants into small groups or pairs and distribute the workplace issues pictures among the groups. Ask each group to answer these questions for each picture:

- Describe what you think is going on in the picture
- What issues/problems are being shown?
- What are some solutions for the situation?

Bring group together. Start with the first picture and ask for some responses to the questions. Use the Flipchart *Problems/Some Solutions*. Write their problem and solutions on flipchart. *[We'll return to this list in the next section to identify which activities are individual or group.] (Skip to **Protected Activity**)*

Option B: Our Right to Organize**Time:** 25 minutes**Handouts:** *Working Too Hard? Working Too Fast?***Flipchart:** *Problems/Some Solutions***Continuation of Activity 2 for both options A and B****Time:** 10 minutes**Note to facilitator:****Activity 2: Our Right to Organize**

Break participants into small groups and give each participant the handout *Working Too Hard? Working Too Fast?* Ask volunteers to read the scenario aloud to the whole group. In their small groups, ask participants to discuss the following questions, listed at the bottom of the scenario:

1. What do you think is going on?
2. What issues/problems does the scenario describe?
3. What are some solutions for the situation?

After 10 minutes bring the group back together and ask the group to describe the problems and write their responses flipchart: *Problems/Some Solutions*. [We'll return to this list in the next section to identify which activities are individual or group.]

Protected Activity

Explain that in the workplace, our rights are more protected when we act as a group. Highlight the ideas that are group ideas with a bright colored marker. Take a few examples of individual ideas and ask how they could be made group ideas.

“Some of these ideas are “Protected” by law and some aren’t. When 2 or more people are involved in an activity to improve wages or working conditions, it’s called “concerted activity” and is protected, but much individual activity is not. Many of these individual responses could cost you your job.”

Ask participants “What are your questions?”

It may be important to clarify which individual activities are protected by other workplace laws – i.e. filing sexual harassment charges, filing charges on failure to pay wages, filing discrimination claims.

Sum-up Activity 2

“Many of these issues and problems we have identified are issues that unions work on. Laws are limited in their protection of workers. Unions can go beyond what laws say and offer more protections to workers to organize. In the remainder of this session we will discuss how unions work and our legal rights to form unions”.

The Right to Form a Union**Time:** 10 minutes**Handouts:** *Labor Resources; NLRB and Chapter 150E in a Nutshell***Flipchart:** *Right to Form a Union***Activity 3: The Right to Form a Union**

Ask participants to listen to the following mini-rap on the right to form a union.

Mini-rap :

“Most workers have the right to form and join unions on the job. The legal protections to organize into unions are a result of working people fighting for these rights. A federal law called the National Labor Relations Act, passed in 1935 guarantees the right of private sector workers to organize. For public sector workers, the law is Chapter 150E. It is illegal for management to harass or discriminate against you for trying to form a union. However, there are not “Labor Law Police” out there giving tickets or arresting employers who break the law. You have to file complaints and wait for agencies to investigate before any action is taken. This can mean a long wait for justice.

You have a right to talk about the union with your co-workers on your own time in the break room, cafeteria, parking lot or other non-work areas. Most workers form a union with the help of an organizer from a union who understands the law. Often workers are asked to sign union cards to show interest in joining a union, and they vote in an election whether to join. In the early days of unions, there were clear “jurisdictions” – that is, certain unions always organized a type of worker – for example, the United Auto Workers organized autoworkers. Today unions organize a wide variety of workplaces and it is often not obvious which is the appropriate union.”

Ask participants: What are your questions? If you had questions, who might you call?

Use the Labor Resources handout for places to go for advice or assistance and add to the list of resources as a group.

Note to facilitator:**Remedy:****Remedy: What if these rights are violated?**

Explain that the enforcement agency for private sector workers covered by the National Labor Relations Act is the National Labor Relations Board (NLRB). Violations of the NLRA are called unfair labor practices (ULP). When ULP’s are filed at the NLRB a hearing is held and a determination is made of what the employer must do. *[Refer to the NLRB and Ch 150E in a Nutshell]*

The enforcement agency for public sector workers covered by the Massachusetts Public Employee Collective Bargaining Law,

Chapter 150E is the Massachusetts Labor Relations Commission (MLRC). Violations are also called unfair labor practices ULP), which are filed at the MLRC. Remedies are similar to NLRA.

What do Unions Do?

Time: 15 minutes

Flipchart: *What is a union?
What does a union do?*

Activity 4: What do Unions Do?

In large group brainstorm, posting responses on flipchart, ask the group: What is a union? What does a union do?

Ask participants to listen to this mini-rap about what unions do:
[Note things that participants have not identified in their brainstorm.]

Mini-rap on What Unions Do:

“A union is self-organization of workers that establishes a relationship between the union members and the employer. Union members and the employer negotiate a union contract – also called collective bargaining agreement — that belongs to the members. The contract is a collective response that protects workers rights inside the workplace and determines things such as wages, working conditions and benefits, such as vacation, sick time and health insurance. It also sets up a process for enforcing the contract called the grievance procedure. Union contracts are determined by the particular needs of the workers in a workplace and all contracts are different.

Unions also do things outside the workplace, usually joining up with other unions and organizations, such as lobbying for legislation help create laws that make workplaces safer (Like OSHA) and those that provide for family leave (FMLA). Unions support other unions in their right to form a union and get a contract – such as joining a picket line or a rally for another union. All workers, regardless of their immigration status, have the right to form and join unions.”

Ask participants “What are your questions?”

Point out that many workplaces have employee handbooks or personnel policies. Ask participants: “What do you think are the differences between an employee handbook and a union contract?”

Note to Facilitator:

Issues to identify: legal weight of contract, power of a group of workers behind the contract, changeability of handbook, lack of employee input into a handbook.

How Does A Union Work to Solve Workplace Problems?

Time: 40 minutes

Flipchart: from Activity 2
Problems/Some Solutions

Handouts: *Union Activity Cards*

Activity 5: How Does A Union Work to Solve Workplace Problems?

If participants have some union experience, in large group brainstorm, ask participants how unions work to do the things that we have just identified?

Ask participants to listen to the following mini-rap on how unions do their work: [*Note things that have not been identified*]

Mini-rap

“Unions, like other organizations, have members who participate in the activities, elect officers, set up committees to get things done, and if large enough, hire staff. Members elect or pick stewards, or area representatives, who help resolve workplace problems by meeting with the members and with supervisors, or help to file grievances to uphold the contract. Stewards also act as a line of communication between members and the union’s elected officers. Stewards are usually volunteers. Members also elect officers such as President, Treasurer, and Secretary. Unions set up structures to get things done: a grievance committee to handle grievances; contract negotiating committee and/or negotiators who negotiate contract; internal communications through newsletters and flyers. Members often form committees including health and safety committees, organizing committees, political action committees, and so on. Members pay dues to help the union engage in its activities – pay staff and sometimes officers, have an office, publish a newsletter, and provide resources such as legal help, etc. Not all unions do things the same way.”

Ask participants: “What are your questions?”

Small group activity on How Unions Work

Explain to participants that in this exercise, they’ll practice looking at how unions can help solve problems in the workplace. Divide the participants into small groups and deal out union activity cards, some to each small group. These cards list common union activities, most of which we have talked about in earlier activities. Then ask participants to refer back to the flipchart *Problems/Some Solutions* (from the second activity).

In their small groups, ask participants to discuss whether and how the activities listed in their cards might help them to solve the problems identified in the pictures.

Report back: Bring the groups back together. Briefly go through each problem and ask how they might solve the problems identified with their union activities.

Summary and Remedies

Time: 5 minutes

Summary and Remedies

“Unions help improve wages, benefits and working conditions on the job through negotiating collective bargaining agreements or contracts, working to pass new laws and helping workers organize. Most workers, including undocumented workers, have the right to organize, protected by law. Unions are based on the idea of “United We Stand, Divided We Fall”. In other words, acting as a group we can be more powerful than if we act separately.

Immigrant workers, whether documented or undocumented, have the same rights to organize and bargain. It is not always safe, however, for undocumented workers to go to state and federal agencies with complaints, as those agencies might notify the [new name: Immigration and Naturalization Service]. Undocumented workers should check first with an advocacy organization (*see handout: Partial List of Advocacy Organizations*). The handout *Safe and Unsafe Agencies for Immigrant Workers* can be used as a guideline.”