

Your Legal Right to Organize

A. General.

The most important “legal” advice is to be well organized. Legal strategies aid day-to-day work. They don’t take the place of it. Any position, legal or otherwise is going to be enhanced if the people behind it act as a group, have plans that are thought out, and follow through on them. If the matter comes to a hearing or to court, any judge is going to be impressed by a well-attended and well-organized presentation.

Don’t set yourself up. Be a model worker, come on time, and be above reproach.

Keep a notebook of all suspicious things. Record the five W’s: *What* happened, *Where* it happened, *When* it happened, *Who* saw it (names, addresses, phone numbers), and *Why* each party claimed they acted as they did.

B. Your Right to Distribute Literature.

You have an absolute legal right to distribute literature.

In the work place, the law says you can do it in non-working areas on non-working time. This includes the parking lot, the time-clock, the cafeteria, or any other place where people go on break out of the work area. Aisles are usually considered work areas, but that could depend on the circumstances.

If you are soliciting or taking signatures on petitions, but not distributing literature, you may do so in working areas on non-working time.

If you are merely discussing union issues, you may do so anywhere on non-working time. You may also discuss union issues on working time, if it doesn’t interfere with your work. If workers carry on conversations on other personal topics then you may discuss union topics too.

You have an absolute right to distribute literature at or in common areas of the union hall, including union meetings.

C. Strikes, Pickets, and Other Protected Activities.

Unless there is in effect a contract with a no-strike clause, you may engage in group action to force the company to accept union conditions.

Such activities are only protected under Federal labor law if done by two or more individuals together. Striking, picketing, petitioning, grieving, and group complaints to the U.S. Department of Labor are classic examples.

This right is protected by the National Labor Relations Board (NLRB), which must receive and serve your charge within six months. However, the NLRB has a policy of deferring action on such cases if there is a grievance procedure in effect which theoretically could resolve the issue.

Industrial Workers of the World



Basics of Organizing

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- You have a problem at work.**
You believe that management is unfair.
Something has to be done.
Where do you begin?

No Personal Problems

The employer tries to make us believe that our problems are merely personal. For example: the boss calls Barbara into the office and writes her up for being late. Barbara explains that she was late because her sitter was late. The boss says he’s sorry, but he can’t bend the rules for one person. As she leaves the office, Barbara may think: “But it isn’t one person, it’s everyone in the office. Everybody in this place has been absent or late at least once because of a problem with child care.”

And it isn’t just that office. Columnist Anna Quindlen wrote in the *New York Times*, “[What if a union of working mothers held] a one-day nationwide strike. In unison at a predetermined time, we will rise and say: ‘My kid is sick, and so is my sitter,’ and walk out. Look around your office. Think how much work wouldn’t get done.”

The need for child care-to chose just one example-affects tens of millions of workers. The same applies to other “personal” problems such as reactions to chemicals, injuries, and stress. It is in management’s interest to make the problems appear to be “personal” so that management will not bear responsibility.

Ask Questions and Listen to the Answers

You have a problem; where do you begin?

Some people when they first feel that they have been treated unfairly fly into a rage or start loudly crusading against the boss. This can be dangerous. Management jealously guards its authority in the workplace, and when you begin to question authority, you become a threat. In most workplaces, from the moment you begin to question authority, you become a troublemaker in management’s eyes. If you have never before made any waves where you work, you may be shocked, hurt or angered by how quickly management turns against you. This is one more reason not to act alone, and also to be discrete when you begin to talk to others.

Talk to your co-workers and ask them what they think about what’s happening at work lately. What do they think about the problems you’re concerned about. Listen to what others have to say. Get their views and opinions. Most people think of an organizer as an agitator and rabble-rouser (and there are times when an organizer must be those things), but a good organizer is first of all one who asks good questions and listens well to others. Having listened well, the organizer is able to express not only his or her own views and feelings but those of the group.

Almost inevitably there will be some people who are more concerned than others, and a few of those people will want to do something about it. Those few people now form the initial core of your “organization.” You might ask the two most interested people to have coffee or lunch with you, introduce them to each other, and then ask, “What do you think we should do about this?” If they are indeed ready to do something-not just complain-you are almost ready to begin organizing.

Map Your Workplace

Knowledge is power. Or at least it is the beginning of power. You will want to know everything you can about your work place and your employer. This will be a long-term, on-going process of education. You should begin with your department. Remember, all the information you gather can be used by you against your employer or by them against you so, be sure not to let it fall into the hands of management or their supporters.

The steward and/or shop floor activist cannot afford to overlook the natural organization that exists in most work places. Resist the tendency to complicate shop floor organization by establishing artificial structures or involved committees and caucuses without first taking advantage of the organization that already exists. “Mapping” your work place will help you to communicate with your co-workers and increase the union’s power.

Management has long understood the value of identifying informal work groups, their natural organizers, and their weak links. In fact, one of the main thrusts of management training is to develop strategies to alter the psychology of the work place.

United Parcel Service, for example, has developed its psychological manipulation techniques into a fine art. The UPS managers’ training manual, titled *Charting Spheres of Influence*, shows how to map the work place to identify the informal work groups, isolate natural organizers or instigators in these groups, exploit the weak links, and in the end, break up the groups if they can’t be used to management’s advantage.

While most companies have not developed their techniques into the fine Orwellian art that UPS has, many do use some of the same methods. Have outspoken workers, instigators or organizers in your work place been transferred, promoted into management or singled out for discipline? Are work groups broken up and rearranged periodically? Has the layout of the work place been arranged to make communication between workers difficult?

Do you get to walk around on your job? Who does? Who doesn’t? Are certain people picked on or disciplined by management in public? How does this affect the rest of the work force? Do you feel you are always under surveillance? You get the point. All of the above can be used to break up unity and communication between workers in your shop.

How to Map Your Workplace

If you work in a large shop, you may want to begin by mapping just your department or shift and then work with other stewards and/or shop floor activists to piece together a map of the entire work place.

You can begin by drawing an outline of your department and putting in work stations, desks, machines, etc. -a floor plan. Now, place a circle where each worker is usually stationed, and write in their names. If you can, chart the flow of production by using a broken line or arrow. Indicate on your map where members of management are usually stationed and their normal path through the shop. Mark the places where workers tend to congregate (break areas, lunch rooms, bathrooms, water fountains).

Now identify and circle the informal work groups. Informal work groups are groups of workers who work face-to-face with

each other every day. They have an opportunity to communicate to each other every day while working and perhaps spend time together on breaks, eat lunch together, or generally hang out with each other.

Mark the influential people or informal work group organizers or instigators. In each group is there a person who seems to enjoy a special influence or respect? Sometimes they are stewards or activists, but in many cases the organizers or instigators will not be. Do conversations in the group ever get into shop talk? If so, what do they talk about? Is there an unspoken code of behavior in these groups towards management or problems at work? Is there an informal production standard which is followed and enforced by group members?

If you are aware of loners or people who don't mix with any group, indicate that by using some special mark. Also, identify the weakest links: the company brown nose, perhaps a part-timer or new hire, and anyone who is particularly timid.

You may want to begin taking notes on each worker and record such things as when the person started work, grievances filed, whether they have been active in any union projects, etc. Keep these notes on separate index cards in a file.

Your map may show you how the work place is set up to keep people apart, a good enough reason for map-making. But, the real reason for map-making is to develop more unity in the work place.

Using Your Map

Let's say you have an important message to communicate, but you don't have the time or resources to reach every one of your co-workers. If you can reach the natural organizers in the informal work groups and get them on your side, you can bet that the work will get around to everyone. Once organizers have been identified and agree to cooperate, it is possible to develop a network which includes both stewards and these *de facto* stewards who can exert considerable power and influence.

Informal work groups also have the advantage of creating certain loyalties among their members. You can draw on this loyalty to figure out unified strategies for problems, and take advantage of people's natural tendency to stick up for those who are close to them.

Sometimes it is necessary to negotiate between the work groups which, while experiencing common problems, also have concerns involving only their own members. For example, at one shop, two informal work groups existed in the department. One group consisted of machine operators who die-casted transmission cases, and the other consisted of inspectors. Management didn't allow inspectors to talk to machine operators.

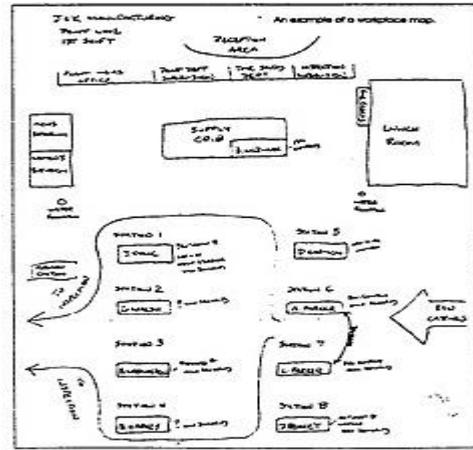
At one point management increased machine operators' production quotas, which caused inspectors to mark many of the pieces as scrap, because they were having trouble keeping up with the production too. Both work groups were facing pressures from the speed-up and tended to blame each other.

Eventually, representatives of the two work groups worked out an arrangement to deal with the speed-up. It was agreed that the inspectors would mark as scrap any transmission case with the tiniest little flaw, causing the scrap pile to pile up. Management would then have to come up and turn off the machines in order to figure out what was causing the problem.

Soon, each machine was experiencing a few hours of downtime every day. After a week of this, management reduced the production quota.

Besides working with the group organizers, it is important to draw in the loners too. More than likely, their apathy, isolation, or anti-union ideas stem from personal feelings of powerlessness and fear. If collective action can be pulled off successfully and a sense of security established through the group's action, fear and feelings of impotence can be reduced.

If you have got a particularly tough character in your shop who seriously threatens unity, don't be afraid to use the social pressures that work groups can bring to bear to get that person back in line. This applies to supervisory personnel too, especially the supervisor who likes to think he or she is everyone's pal.



The Balance of Power

The bottom line for this type of work place organization is to tilt the balance of power in the workers' favor. It can win grievances, for example. If grievances remain individual problems or are kept in the hands of just the steward or union higher-ups, the natural organization and loyalty that exist among work groups is lost. Chances are that the grievance is lost, too.

However, if the work groups can be used to make a show of unity, the threat that production could be hampered can be enough to force management into a settlement. For example, back in the die-casting plant: a machine operator was fired on trumped-up charges. A representative of that work group informed key people in the skilled trades who had easy access to all workers in the plant to tell them something was going to happen at lunch time in the lunch room.

At each lunch break, a meeting was held to explain the situation. It was decided to organize for a symbolic action. The next day black arm bands were handed out in the parking lot to everyone entering work. The key people in every work group were informed to use their influence to make sure everybody participated in the action. It was suggested that everyone had an off day once in a while, and it would really be a shame if

everyone had an off day at the same time.

After two days of this, the machine operator was brought back to work. Such an action would have been impossible without a recognition of the informal work groups and their representatives. The grievance procedure worked because management understood that the grievance had become the concern of all the groups and that problems lay ahead unless it was resolved.

Some Basic Principles

The following is a list of what successful organizers say are the most important principles to remember:

Question Authority. Organizing begins when people question authority. Someone asks, "What are they doing to us? Why are they doing it? Is it right?" Encourage people to ask, "Who is making the decisions, who is being forced to live with the decisions, and why should that be so?" People should not accept a rule or an answer simply because it comes from the authorities, whether that authority is the government, the boss, the union-or you. An effective organizer encourages co-workers to think for themselves.

Talk One-on-One. Almost every experienced activist agrees that "The most important thing about organizing is personal one-to-one discussion." Leaflets are necessary, meetings are important, rallies are wonderful-but, none of them will ever take the place of one-on-one discussion. Frequently, when you have simply listened to a co-worker and heard what is in his or her mind, you have won them over because you are the only one who will listen. When you talk to Linda at the next desk and overcome her fears, answer her questions, lift her morale, invite her to the meeting, or take her to the rally-that is what organizing is all about.

Find the Natural Organizers or Instigators. Every work place has its social groupings of co-workers and friends. Each group has its opinion-makers, its natural organizers, its instigators. They are not always the loudest or the most talkative, but they are the ones the others listen to and will chose to represent them. You will have gone a long way if you win over these natural organizers.

Get People Involved in Activity. Life is not a school room and people do not learn simply by going to meetings or reading leaflets. Most people learn, change, and grow in the process of action. Will you take this leaflet? Will you pass it on to your friend? Will you mail in this post card? Will you sign this petition? If you want to develop new organizers, you must give them something they can do, however small the first step is.

Make That Collective Activity. However, the point is not only to get individuals involved, but to join them together in a solidarity-conscious group. We want to create a group which sees itself as a whole: We are the Union. We are the Movement. Will you come to the meeting? Can we get the whole department to visit the boss together? Can we count on all of you

for the picket line?

Activities Should Escalate Over Time. Ask people to become involved in activities of increasing commitment and difficulty. Are you willing to wear a button saying "Vote No"? Will you vote against the contract? Will you vote for a strike? Are you prepared to walk a picket line? Are you willing to be arrested? Some union campaigns have included hundreds of people willing to go to jail for something they believed in. For many of them it started with that first question, Will you take this leaflet?

Confront Management. Organizing is about changing power relationships, the balance of forces between management and workers. Confrontation with the employer has to be built into the escalating activities. The first confrontation may be something as simple as wearing a "Vote No" button. If people are not willing to risk upsetting the boss, they won't win.

Win Small Victories. Most movements, from a small group in one workplace to massive social protests which change society (like the civil rights or women's movements), grow on the basis of small victories. The victories give us confidence that we can do more. They win us new supporters who now see that "you can fight City Hall." With each victory the group becomes more confident and, therefore, more capable of winning larger victories.

Organizing Is Everything. Organization need not be overly formal or structurally top-heavy, but it must be there. A telephone tree and a mailing list may be all the organization that you need, but if those things are what you need then you must have them. The last twenty years have supplied many examples of reform movements which are, fought hard-and then died because they didn't stay organized. As one labor organizer, Bill Slater, says, "Only the organized survive."

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