

Industrial Workers of the World

# Organizing 101 Build the Committee

## Trainer's Manual

Version 2.5

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This document is intended for internal use only and is not meant to be shared with anyone who has not attended an IWW Training for Trainers.

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## About This Training

The Organizer Training Program (OTP) of the United States IWW is administrated by a three-member committee charged with overseeing the work of the body which is called the Organizer Training Committee (OTC). Though the goals of the OTC remain fluid, since the needs of the union will grow and change, the present goals of the OTC are to offer trainings for branches, groups and workplace organizing committees to increase capacity and skills to do workplace and industrial organizing. The OTC communicates the methods and ideas of solidarity unionism in all trainings and aspects of its work. The OTC prioritizes the recruitment and leadership development of trainers who are leaders in workplace organizing campaigns and who are women, people of color, and immigrants.

This training, Organizer Training 101: Build the Committee, is unique. It is likely the most comprehensive training of its kind aimed towards rank and file union members and worker-organizers. The two-days of content is more than a mainstream union's advanced training program. It is a great opportunity to inspire members and give them the basic tools needed to organize so we can live and practice the idea of "Every member a leader."

More than anything, the training is about giving workers the confidence to jump in to organizing. Everyone learns more by doing, but the 101 gives people a sense of the basic steps and hopefully, by the end of it they will feel ready to try it themselves.

### About this Manual

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This booklet is meant to be a guide for the trainer, a general resource. Trainers will often keep it close by during trainings, but not for the purpose of reading directly from it. We suggest reviewing it closely before you give your trainings and then only using it to help you keep on track throughout the training.

Please note that we only give these manuals out when someone attends a Training for Trainers. The reason is simple. Consider the idea of someone who wants to learn to organize being handed a manual and sent on their way without attending an organizer training with all its roleplays, discussions, and lessons. The OTC doesn't consider manuals to be the central tools of teaching. So please don't pass this manual along. If you come across someone who is interested in becoming a trainer, please get them in touch with the OTC, and we'll get them signed up for the next Training for Trainers.

# About Giving Trainings

## Trainer Responsibilities

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Being a trainer in the IWW can be fun and inspiring, as you are able to witness workers not only becoming class-conscious but getting some skills and confidence to take action. The IWW has grown a lot through the Organizer Training program and the hard work of the trainers delivering to workers. Trainers help to ensure that this training program and the IWW keep getting better.

Report! Even though you will be tired after a training wraps up, it's very important that you submit a report to the OTC about the training. Your reports are how the OTC can stay in touch with how well the OT is running: how many workers it's reaching, what sections are strong and being well received, what sections need work, and how we as a union can support the organizing that trainings inspire.

Communicate with the OTC. If you are running a training on your own, make sure you tell the OTC about it. If there are fellow workers nearby who would like to attend the training, we can make sure they know about it.

Understand how the OTC operates and know how to contact us. You are a representative of the OTC and should be able to explain how branches can contact us to set up trainings or ask any questions.

Remember that the messages discussed and taught in the trainings are not just going out to the participants in the trainings, but out to their co-workers and organizers as well.

For many participants, the Organizer Training is their first exposure to the IWW outside their branch. Be conscious of your role as a representative of the broader union.

## Tips for Trainers

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- Take care of yourself! Get a good sleep the night before the training, eat well, and drink your tea/coffee.
- As much as possible, start and end on time and don't let breaks go on too long.
- Trainers can work as a team, with one trainer presenting and the other chiming in with points the other may have missed.
- As you give more trainings you will better develop your unique style and emphases. Remember to manage your time due to the large amount of material to cover.
- Don't get distracted by too many complex questions—ask participants with highly specific questions to wait until lunch or break.
- It's okay to say "I don't know," to questions. You can write the question down and get back to the person who asked it.

## For The Uncomfortable Parts Of The Training

Many people find various parts of the 101 a bit uncomfortable. Thinking so specifically about power dynamics, charting out divisions of race, language, age, shifts etc and, going to such lengths to obtain contact information only to cold-call a co-worker are all unfamiliar and uncomfortable situations which most of us would never find ourselves in otherwise.

It is important to keep an eye on the participants for signs of discomfort, and then ask direct questions to allow people to voice their unease by asking, "Does this make anyone uncomfortable?" or "Does anyone feel weird about making a list of their co-workers by group?" (or, fishing a contact list out of the trash, or showing up for an unannounced house-visit, etc.)

These may may elicit conversation which is an aside from the module in which it comes up. However this conversation must take place in most groups of organizers. You can plan that at some point on the first day, 15 or 30 minutes will be unexpectedly devoted to this subject. The fresher the organizers, the more of an internal conflict this will cause.

How does a trainer allay the trepidations of organizers? The first step is to throw the question back to the group. Allow them to work through the questions themselves, even if it is a bit slow and awkward. Otherwise, when it comes to this stage in their campaign, they will freeze. Also, they will not be able to coach others through the process. Some gentle prompting questions are:

- Why is this uncomfortable? What does it bring up, or remind you of?
- What would you normally do in this situation?

And then the more pointed challenge questions:

- Is the employer thinking in these terms?
- What happens if we do not take this step?

Here are some things to keep in mind:

- Employers collect detailed information on workers and then organize the workplace accordingly in order to create divisions
- If we do not engage in these uncomfortable situations, we will allow the employer to continue exploiting ourselves and our co-workers. At some point the organizer makes the decision of whether the status quo is in fact better than the task of organizing.

Of course, it's possible to go too far down this path. The discomfort we feel when discussing or doing certain parts of organizing is there because there are established social norms which govern our behaviour, which in most situations, should be followed. The discomfort of the situation should mainly be on the organizer, not on the person who we are trying to organize with.

## Case Study

The Jimmy Johns Workers Union campaign in the Twin Cities filed for an NLRB election for union recognition in 2010. Before the election, organizers conducted house visits to attempt to have conversations with workers they were not otherwise able to have one-on-ones with. The house visits resulted in convincing several workers who were on the fence to instead vote “yes” for the union.

Several organizers who participated in the house visits say that just showing up at their coworkers’ houses felt “creepy;” they felt that they were invading their coworkers’ privacy. However, these organizers say that they would do house visits again if needed, because otherwise they would not have gained the several important “yes” votes that resulted from the visits.

# Introduction: What Is A Union? What Is The IWW?

**Purpose:** The Welcome/Introduction section is meant to get workers comfortable with each other, provide the training's schedule, and give the lowdown on the training space. It is also designed to get a sense of who is in the room, where they work, and what brought them to the training today. It is also the time to spell out the purpose and goals of the training.

## Nuts and bolts of the space

- Point out bathroom locations, childcare space, and other relevant information about the building
- Give rough schedule and lunch plans/breaks for the day
- Note where the coffee/snacks are
- See if people need pens and paper or anything else

## Introductions

- Go around the room and ask people to say their name, their branch (if many are represented) and where they work.
- Do icebreaker question. Example: If you had a magic wand and could change any one thing about your job, what would it be? (Often this is a good opportunity for the trainer to set the tone of the training. Give an emotional example yourself first ie. "My name is Erin, I am from the Chicago GMB, I work in the textile industry, and I would get rid of the forced overtime because right now it keeps me from spending enough time with my partner").
- The purpose of this is to get people who will be together for two days talking and feeling comfortable with each other.

## Spell out the purpose of the training

- To give members the skills and resolve to immediately go out and organize.
- Training is based on past mistakes and successes.
- Articulate and discuss the ways the IWW is unique.



# What is the IWW?

**Purpose:** The purpose of this module is to get workers thinking about unions and the role of the IWW.

## Suggestions:

- Get the audience to participate. Use specific examples to illustrate differences.
- Don't get bogged down in the many ways you think the business unions are horrible.



What is a union? Let's list out some characteristics of unions and try to define it.

- Better working conditions
- An organization that bargains a contract for workers
- A group of workers engaging in direct action
- A bureaucracy
- An organization that controls access to jobs

**Final Definition:** A union is two or more workers coming together to improve their lives at work and change the balance of power at their job or in their industry.

## The IWW



What makes the IWW a unique union?

- No dues check-off
- Emphasis on Solidarity Unionism as opposed to recognition/contracts/NLRB
- Internal democracy
- Anti-capitalism
- Direct action
- Industrial Unionism
- Recognize the class struggle
- Minimal staff/bureaucracy
- No political alliances

In this manual we will often suggest questions and brainstorms. This is where the trainer poses a question or series of questions to the audience and writes the responses on the board. Discuss responses as they come up and ask follow up questions. For your purposes, we will make a list of possible responses, and ones for you to draw out of the audience or fill in if they don't come up during the brainstorm.

# Stages Of An IWW Campaign

**Purpose:** The purpose of this module is to give workers at the very beginning of the workshop a broad overview of the early stages of an organizing campaign with the IWW. It also reinforces key ideas about power. It is a short module.

## Suggestions:

Keep it short, this is more introductory stuff

Make sure people know precisely the skill they are learning: build the Organizing Committee.



Where do workers have power? We organize on the job because it is in withholding or giving our labor, our skills, and our creativity that we have power. Alone, we have no power in our workplaces. Every time we organize a coworker, we magnify our power. There is a big difference between getting a worker to “join” a union and organizing a worker. Power will only come from the latter, when our coworkers know where our power is and how through organization and direct action we can exercise it.

Today we’re going to learn how to build a workplace **Organizing Committee**. This committee is the nucleus of the organizing campaign. It is made up of a subset of workers within the shop/industry who are going to be doing the intensive work of pushing the campaign forward, reaching out to other workers, and spreading information about the union and the campaign. We’re going to go from a point of zero organization in the workplace up through the existence of a strong committee and going public to the boss. Let’s look at the stages of building your committee.

## Stages of an organizing drive

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1. Gathering contacts  
Collecting information about coworkers and getting complete contact information
2. Mapping and charting  
Surveying the layout of the workplace, both physically and socially
3. Identifying leaders  
Figuring out who you want on your committee

4. One-on-ones  
Building the committee. Approaching coworkers, setting up individual meetings and recruiting people on to the committee
5. A plan to win  
Defining the main grievances, coming up with a strategy to fight the boss and win
6. Going public  
Announcing the presence of the union, calling the question out loud, making demand
7. Bargaining and beyond (Not covered in this training.)  
Winning demands, maintaining democratic union culture, organizing other workers in industry.

# Gathering Contacts

Purpose: In this section we discuss the importance of the first stage: gathering contact information.



The first thing you'll want to do in your organizing campaign is get a list of contact information for everyone in the workplace. Why? At no other time in the campaign will you be able to get this information as easily as you can right now.

- As soon as the boss becomes aware of the campaign, he will make it harder to get contact information.
- It is important to go about information gathering in a systematic way. Don't just have a "sense" that you've got enough—**KNOW** that you have all the information you want. Use the contact form and set targets.
- Fill out a contact sheet for everyone you know about, even if you don't know some names. "The woman who has the green messenger bag" could be a temporary way to identify that there is someone you need to know more about. Notice that using the contact sheets in this way immediately denotes where you have holes in your picture of the workplace.
- If you date the form, you can also see how you are doing i.e. "damn, it's been eighteen days and I still don't know the name of the green messenger bag lady"



Brainstorm: What are some possible ways to gather contact information?

- Ask people
- Notice timecards or name tags
- Get a copy of the work schedule
- Look through the trash
- Use a company website
- Ask the boss for a list so you can send out holiday cards or invite people to a party
- Circulate an innocuous petition i.e. a petition for breast cancer research or to protect a wildlife reserve.

Note: on these last two methods, be sure to actually send the petition in, or send the Christmas cards out! It shouldn't be just a pretense.



Handout: IWW Contact sheet



Closing remarks

Set a goal for getting this phase done and tell your goal to someone who will check in with you. Evaluate how you're doing. Was it more work than you thought? Is it time to adopt a new strategy for getting the information? If you begin without knowing when this phase is going to be completed, you run the risk of it never quite getting done and the information getting stale before a campaign is even started. You also don't want your contacts to get impatient and jump to another step prematurely. Setting goals helps people measure their progress and gives folks a sense of accomplishment, that things are moving forward.

# Workplace Mapping & Social Charting

**Purpose:** The purpose of this module is to get the trainees to physically and socially map out their workplaces. This will push them to take an outsider's look at the shop. They get a sense of who works where, what the social dynamics are, what problems may arise, and also the job of organizing becomes more manageable as a large group of people is turned into several small groups.



When we “organize,” it is not because there is no organization at our jobs. Human beings are incredibly social, and everywhere we go, we are self-organized. However, these organizations are not always set up in the best interests of those involved, and are often manipulated by the bosses. As organizers, we do not approach our job as though it were a random group of people with no relationships. Instead, we aim to identify existing organization, and mobilize it in support of the union.

Make sure everyone gets a chance to map their workplace in their booklet or on a larger piece of paper and explain it to someone else. The discovery process is key to this exercise, so let people figure out the interesting things about a map rather than always telling them what to look for.

If a participant is currently working in a shop they’re trying to organize, the map and chart can be tools for their committee, but this section teaches the importance of sitting down with an organizing contact and getting them to work out the information with the organizer.

The host branch should be asked to provide at minimum: multiple colours of markers for use on the whiteboard/chart paper, and many colours for participants to make their maps. If they are able to provide over-sized paper for participants as well, that helps.

## Mapping the workplace

The next piece of information we want to get is a complete map of the workplace. The map should look like a blueprint drawing, indicating where the workstations are, the major equipment, the locations of offices, doors, bathrooms, indoor and outdoor gathering areas, etc. The map doesn't have to be technically perfect or overly complicated, but should be easily explainable to someone outside the workplace.

Often people have realizations about their job when they take the time to actually map the physical layout. Even if this is a totally “inside job,” and you are organizing your own workplace, ask a fellow

IWW to sit with you and show them your map. You never know what might pop up as you're explaining things.

## Modeling charting



Using the same workplace as during the mapping, make a list of workers on the board and use lines/arrows/symbols/different colours to highlight several social groups within the workplace. Encourage creative thinking from the group in asking questions about the workers.

Some characteristics/groups that might be of interest. No every aspect will be important in every workplace.

When suggesting something to the participants, phrase it like a question, such as "Do people in this job talk to each other outside work? If so, how?"

Age	Job type, department	Watch the same TV shows, sports
Seniority	Full/part time	
Contract, temp, permanent, agency, various employers in one workplace	Who got them the job	After work activities together (gym, renovations, knitting)
	Religion	
	Have other jobs	Racists, homophobes, other bigots
Shifts	Have kids (age, number)	
Love affairs, broken hearts	Students	Smokers
	Gender	Gift economies
Harassment, current and past	Do favours for each other at work	Other informal economies
Linguistic groups	Gossip	Loners
Take the same bus	Immigration status	Country of origin
Carpool	SMS each other	Neighborhood of origin
Go out of coffee, beer, smokes or lunch together	Go to for advice	Lifers
	Sexuality	Confide in one another

## Tips for modeling mapping & charting

Before presenting this module, you will need to decide whether you will have a volunteer map their workplace, or whether one of the trainers will put one up. A good example workplace for mapping and charting (you will want to use the same one for expediency) has the following characteristics:

- Enough people, who work together closely enough and/or over a long enough period of time, that there are sufficient social dynamics to demonstrate what comes up during the exercise.
- Not so many people that the whole thing becomes a confusing mess.





- At the end of charting, the ideal situation is that the workplace has been divided into groups with key leaders identified--this makes the task of organizing seem much realistic. Think about this in advance, and perhaps work backwards from there, asking the group to think about the scenario you have in mind.
- A social map which is simple enough, or can be simplified, that it is reasonable to draw.
- You should not have to spend much/any time explaining the nature of the work to those unfamiliar with it in order to proceed with the activity.
- Whoever is drawing the map should have enough familiarity with the job to know the answers to basic questions.

Not all workplaces are well-suited to mapping and charting. Pick an example which will work for both, to avoid wasting time re-explaining a new job midway through the module.

For the purposes of demonstration, you may wish to massage an actual workplace, or fully create a fictional one where key points have been touched upon. This should be done in advance and gone over with someone else. Making it up on the fly is not as easy as it appears.

When drawing charts, do not immediately start drawing lines and circles, as this gets very confusing very quickly. Use symbols (a cigarette to denote a smoker) and colours (a blue dot to represent night shift) at first. Save the arrows, lines, and circles for the end once the groups and leadership structures have been identified. Tell the participants why you are doing this so they know it too.

## Modeling mapping



Model the mapping of a workplace in front of the whole group, with one person mapping a workplace, describing it, and adding to the map as they are asked questions.

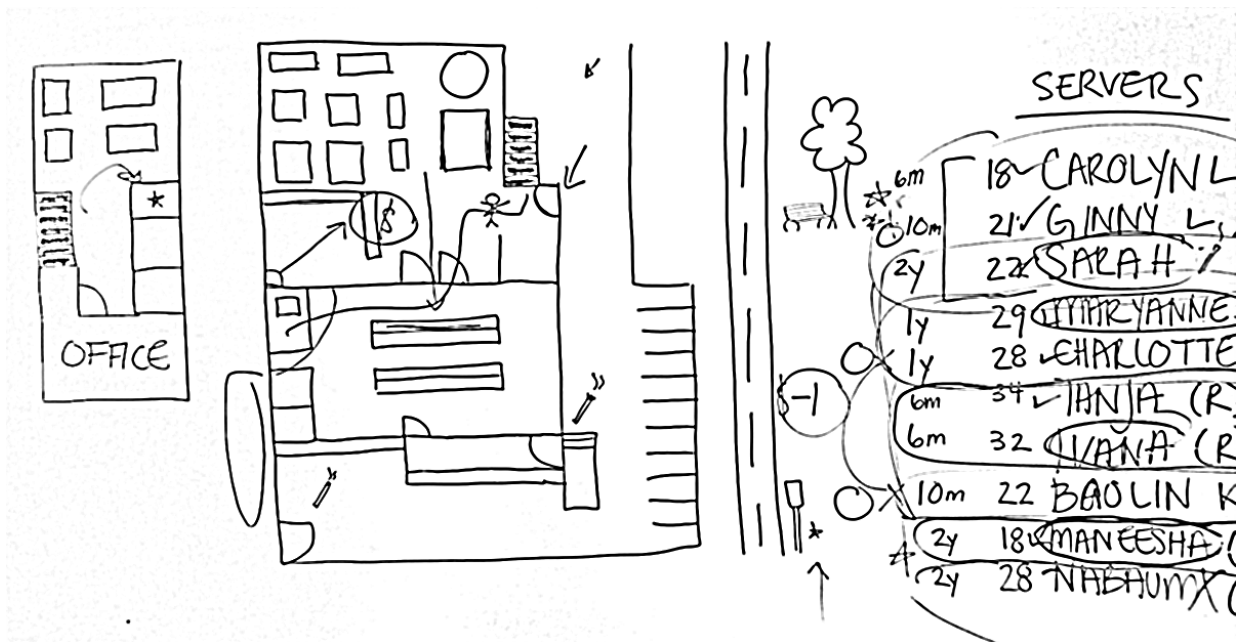
You can have the person drawing the map while you explain the purpose of this step, or during a break if it will take them more than a few minutes.

Look at the map which has been drawn. Ask questions to draw out information, encourage the group to ask questions too:

- Where are the workers?
- Where are the bosses?
- Are there any surveillance devices (cameras, computers, snitches)?
- Are there social spaces inside or outside the workplace where workers meet and socialize?
- How is work organized? How's production process setup? Are there some parts of production more critical than others?
- What do we notice about this map that might be useful information for our purposes?

Exercise:

Take fifteen minutes and divide the group into pairs and have each participant take turns drawing a map and explaining it to their partner. Regroup and ask what people learned.



Next, we're going to use our contact list to create what's called a social chart. Social charts help us understand the social relationships in the shop. There might be various cliques in the place - "the smokers," "the carpoolers," "the soccer moms," "the Lutherans." There might also be people who work together but don't like each other, and you'd want to know about it so you can help workers get over their personal problems and work together effectively.

## Social Charting



Using the same workplace as during the mapping, make a list of workers on the board and use lines/arrows/symbols/different colours to highlight several social groups within the workplace. Encourage creative thinking from the group in asking questions about the workers.

Some characteristics/groups that might be of interest. No every aspect will be important in every workplace.

When suggesting something to the participants, phrase it like a question, such as “Do people in this job talk to each other outside work? If so, how?”

Age	Job type, department	Watch the same TV shows, sports
Seniority	Full/part time	
Contract, temp, permanent, agency, various employers in one workplace	Who got them the job	After work activities together (gym, renovations, knitting)
	Religion	Racists, homophobes, other bigots
Shifts	Have other jobs	
	Have kids (age, number)	Smokers
Love affairs, broken hearts	Students	Gift economies
	Gender	Other informal economies
Harassment, current and past	Do favours for each other at work	Loners
Linguistic groups	Gossip	Country of origin
Take the same bus	Immigration status	Neighborhood of origin
Carpool	SMS each other	Lifers
Go out of coffee, beer, smokes or lunch together	Go to for advice	Confide in one another
	Sexuality	

## Modeling charting



### Closing remarks

Every worker who is on the job committee needs to do charting and mapping. This does not need to be the first thing that happens. This is partly because every worker has unique insights, but mostly because doing these activities is the first step in learning to think strategically. Suddenly aware of dynamics they had never considered important, the new organizer has their ears and eyes open to signals that explain the existing organization of the job.

We also do social charting so we can identify leaders in the shop, so we can begin to get an understanding of how we’re going to build our committee. Let’s

take a look at the concept of “Leaders.”

# Identifying Leaders

**Purpose:** This module helps participants understand the importance of workplace leaders. Participants should learn how to identify leaders, understand their importance to any campaign, and discuss some of the potential challenges and problems with leaders.

## Suggestions:

- Note how the brainstorm questions proceed logically one to the next, use answer the group came up with in one brainstorm to lead to answers in the next ones.
- For the good/bad leader qualities section, it is common to divide the board into two columns and list out responses that way.



## Leaders:

Workplaces are made up of relationships. As organizers, it is our fundamental role to understand the existing relationships in the workplace and to form new ones. This is the definition of organizing. The most important types of relationships in a shop are centered around leadership.

## A brief brainstorm



So what is a leader?

A leader is someone who is influential on their coworkers.

How do we identify someone as a leader?

We identify someone as a leader because their coworkers told us they were a leader.

How do we ask who a leader is?

(Now you may be able to use many of the answers people came up with to the first two questions.)

- They have a lot of seniority and experience at the shop

- People look up to them or value their opinion
- People go to them when they have problems (workplace or personal)
- They organize non-work events, parties, sympathy card signings, etc.
- They are popular
- They work hard
- They refuse to work hard

Once we've identified our leaders using these benchmarks, our conversations with workers in the shop, and our social map, we've essentially identified our ideal committee. Committees cannot simply be built out of those who support the union. Inexperienced organizers sometimes want to take this shortcut.

## Brainstorm: What happens when we don't organize to get leaders?

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- The union's initial supporters may be made up of an isolated minority.
- The campaign appears illegitimate to those who are influenced by the leader.
- The boss will invariably recruit that leader to spearhead the anti-union campaign.
- When the campaign goes public, the workplace gets **polarized** as people pick sides, we want leaders on the side of the union.

## Brainstorm: Good and bad qualities in a leader

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Let's identify some good and bad qualities that our leaders may have

### Good qualities

- responsive
- accountable
- approachable
- organized
- confident
- a good listener
- shares information
- trains others to be leaders

### Bad qualities

- thinks they're a superhero
- authoritarian
- manipulative
- talks too much
- talks too little
- irresponsible

Since having bad leadership qualities doesn't do anything to change the fact that the worker is a leader, we're going to have to deal directly with these negative

qualities. We have to be candid with our leaders right away.



What can you do if negative actions and behaviors pop up with leaders?

- Work on one problem at a time. Address the issue directly
- Bring in someone he or she respects who is pro-union to talk with them
- Figure out, individually or collectively, a respectful way to address the issue with him or her

What will you do when a leader is anti-union? How will you work on those in his or her orbit of influence? Can you come up with a short, medium and long term plan for this leader?

- Work on finding an issue to bring this leader into the campaign
- Work with someone who is influential on that leader
- Organize his or her constituency to pressure or convince them

Always remember that the first people to contact a union are not necessarily leaders at the workplace.

# One-on-ones

**Purpose:** Here we give an overview of one-one-one meetings with workers during a campaign, and introduce the role-plays.

By role-playing the below sections the chances of successful organizing conversations will increase. Both organizers and workers must understand the importance of one-on-one meetings versus other forms of communications (email, flyering, mass meeting, etc.).

## Introducing Role Plays:

Role plays can be uncomfortable and awkward at first, some people hate them and some wish the training had even more of them, but everyone has to do them during this training.

## Suggestions

- Running role plays requires a good deal of flexibility on the part of trainers. They can be arranged in small groups or everyone can take a turn in front of the audience.
- Another option is the “One Big Organizer” type of role play where one person plays the worker, and each person takes a turn asking the worker one question that furthers the goal of the roleplay (agitation, education, etc.), this continues until the organizer decides the goal has been met.
- You can model an exercise once or even several times to help people understand.
- Know when to let a participant work through a role play they are having trouble with, but keep in mind it is OK to give guidance, to interrupt with suggestions or even stop the role play if it is going too far off track.
- The trainer can create specific scenarios that create challenges for the organizer (such as a worker who is reluctant, pro-boss, busy or scared).
- The main purpose of the role plays is to force participants to have a directed conversation – one where the organizer has a very specific goal in mind.



## A note about modeling

In the following parts of the training, before the group breaks into sections, The trainer and one participant should model each roleplay, then point out, with participation, what was good and what needs work.

In modeling the roleplays, unless you are having two participants do the model, the trainer should always play the organizer.

The next step is for trainer to break the group into small groups (4-6 people) who will then practice each roleplay. Ideally, trainers should ask someone from each group to be a leader/point person to move roleplays along. Trainers should work the room, keeping leaders and groups on task, and making sure that groups budget time so everyone gets a turn. After 20-30 minutes, regroup and ask participants what they learned. You can also do another group role play to reinforce the section.

## The one-on-one meeting



Often workers who want to build a union will begin by passing out a flyer or holding a big meeting with as many people as they can find. What are some problems with this approach?

- It often alerts the boss immediately to the campaign, so he gets to launch his anti-union campaign before you've laid your groundwork.
- Mass meetings don't always bring workers into the campaign. In fact, these meetings can alienate workers and miss their ideas, good and bad.
- Big meetings usually degenerate to the lowest common denominator in terms of knowledge of and support for the union.

If we begin with one-on-one meetings while we're still under the boss's radar, we can avoid these problems, and when we're ready for a big meeting, everyone comes prepared and we're all on the same page. Also we avoid inviting people who we have determined to be snitches, or other kinds of liabilities.

- Remember that building relationships is the essence of union organizing. This process is facilitated through one-on-one communication.
- Different people have different individual issues, so dealing with people on an individual basis makes sense in the early stages.
- One-on-one meetings are more secure. It's better to find out someone is the boss's cousin in a one-on-one meeting than during a mass meeting.

To improve our skills in talking to workers, we're going to do a series of roleplays.

## Setting Up A First Meeting

**Purpose:** This is a quick roleplay to break the ice, and get participants familiar with the idea of having a conversation with an end goal.

### Suggestions:

You can do this roleplay as a coworker or as an outside organizer or both.

Another way to run the roleplay is to have participants begin a conversation about a non-work topic and find a way to turn the conversation towards the workplace, then set up a meeting.

### Some things to keep in mind:



- **Avoid meeting in bars**  
You don't want to show up and find out at the meeting that the worker is a recovering alcoholic. Also, people give different responses when they are drinking, and if the drinking gets heavy, they may not even remember the conversation.
- **Don't make the meeting sound like a date**  
One way to do this is to drop a hint. "Saturday would work great for me, I can meet you right after I drop my girlfriend off at the gym."
- **Don't let the worker get away with the "too busy" excuse**  
Maybe you can talk with them while they run that errand. Meet at a park so their kids can play nearby. Sit with them at the Laundromat.
- **Set a firm date and time for the meeting**  
Give them a ride if it helps.
- **Don't mention the U word**  
In most cases, the last thing you want to lead in with is "we are starting a union, when do you want to meet?" Frame the first meeting in terms of, "Some of us are concerned about some things at work, and I'd like to get your opinions about them."
- **Don't get into the issues while the worker is on the clock**  
Many workers are always ready to complain about the issues, turn that energy into a set date for a meeting.

- **Know when to stop the conversation**  
You can always come back to it later

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Sample rap for setting up first meeting:

Donna Hey Sarah, how's it going? I'm Donna from over in shipping

Sarah Hi, yeah I've seen you over there

Donna I've heard you've been with the company for 8 years, that's a pretty good stretch

Sarah Yeah, seems like forever!

Donna I hear ya'. Since you've been around a while I was hoping to meet up with you after work sometime this week to talk about what's going on at this place. There have been a number of changes lately and I am interested in hearing what you think.

Sarah Well, I'm pretty busy.

Donna Oh yeah, me too, seems like there's never enough hours in the day! I was just thinking about going to that coffee house down the street right after work on Friday, I wouldn't want to stay a long time or anything.

Sarah Well OK, that sounds good.

Donna Great, thanks a lot, I'll meet you at your department at quitting time on Friday then and we can head down there.

Sarah See you then.

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#### Setting Up a First Meeting Role Play

Goal: You are at work, and you want to get a coworker to agree to meet with you sometime off the clock. Participants pair off with one being the worker and the other being the organizer. Once a meeting has been set up, they switch.

## Debrief

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Come back after people have done this roleplay and have a brief discussion of how it went and what people learned from it.

# AEIOU: Agitate And Educate

Purpose: Give an overview of the AEIOU method and introduce the Agitate/Educate roleplay.

## AEIOU



In the IWW, we have a mnemonic device for remembering the fundamental elements of our one-on-one meetings. It goes like this:

**A** Agitate  
**E** Educate  
**I** Inoculate  
**O** Organize  
**U** Union makes us strong  
a.k.a pUsh

We're going to talk about each one of these in detail. Let's start with agitation.

## Agitate



What do people think this agitation is about?

Agitation is stirring people up by digging for the issues that make them angry. To get through life at work, many of us pave over the things that piss us off. It is the job of the organizer to reverse this phenomenon, to bring all the issues to the forefront of a worker's consciousness.

Agitation has two parts:

1. By asking questions, you find someone's issues.
2. By asking more questions, you get the person to tell you stories about their issues, stories with an emotional content.

# Educate

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In our context, what do people think education is all about?

Agitation finds an issue and creates an emotional experience of that issue. Education presents a solution to this issue. If you agitate without educating, you've simply done your contact a disservice by getting them all pissed off about their lot in life without providing any hope that things can be better.

In a nutshell, agitation poses a problem. Education explains how collective action is the answer to that problem. This has three parts:

1. By asking questions, get them to imagine how their workplace could be different. What would resolve the issue?
2. By asking questions, get them to see that resolving the issue is a matter of power in the workplace. Who can take the action needed to resolve the issue?
3. By asking questions, get them to see how the boss can be made to resolve the issue through collective action.

A common series of Educate questions might be: "What would happen if you went to the boss to ask him to resolve [issue]? What do you think would happen if five of us went and asked him to resolve [issue]? What do you think would happen if no one showed up to work tomorrow because they were so angry about [issue]?"

A couple more things to keep in mind regarding educating our fellow workers:

- Depending on where you are at in the campaign, education often means having a clear plan to win, and articulating this to the person you are talking to. For example: "We plan to organize a committee of 15 workers from all the shop's departments. Once we have that committee set up, and we get the active support 60 to 70 more workers, we're going to go public by presenting a petition to the boss demanding that he negotiate with us over the health care plan. If we can't bargain the result we want, we're going to hold an all-work meeting to decide what to do."
- Part of being an organizer is making sure we ourselves are educated. Read the Industrial Worker, read labor history, follow current struggles and keep on top of all the strategies the IWW as well as other unions are using to win demands. If another workplace had a similar makeup or grievance and they managed to win, how did they do it? You can use this story as an educational tool in your one-on-ones.

## Roleplay: Agitate/Educate

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Goal: Ask questions, get a worker agitated about a certain workplace issue, listen to his or her issues, then educate them about what other workers have done to improve the same kind of situation in their workplace.

Things to keep in mind:

- Listen, listen, listen, listen  
Avoid close-ended questions that lead to a yes or no responses or the organizer talking too much.
- Ask a lot of follow up questions  
Ask for more details, ask about what came before and after an event, ask how they felt about things. “Why?” is always good – “why does that happen?”, “why is that a problem?” “why do you feel like that?” As organizers, if we think we’re asking just enough questions and pushing enough, often we’re not.
- When you find an issue, find out why it’s an issue for them  
For example, don’t be satisfied once you’ve figured out that someone is agitated over lack of health care. Immediately move on to finding out what it is about not having health care that is difficult for the worker and the worker’s family.
- Talk about how the issue affects YOU  
“Not having health care totally sucks for me too because...”
- Don’t be a know-it-all and never, ever lie  
If you don’t know something, say so. Then tell them you’ll find out and get back to them by some specific date. Do so.
- Don’t assume you know their issues, even if you do  
The goal is not to know the issues. The goal is to get them tell you their issues.
- Take notes after the meeting  
Make a report to the organizing committee.

On the other side of the coin, be careful of workers who we determine, through the course of the conversation, are likely to be a friend of management. Don’t worry about bringing the conversation to a close without bringing the worker into campaign.

Model the roleplay in front of the group and then break into the small groups.

## Discussion

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- What did people learn in their roleplays?
- Were there any particularly tough workers people came up against?
- What strategies did you as organizers come up with to overcome problems in the role play?

## AEIOU: Inoculation

**Purpose:** Participants will learn how to inoculate workers from the boss's union busting campaign and deal with common fears workers may have.

### Suggestions:

Be prepared to spend a good amount of time on this section, it is crucial. You need to be able to talk specifically about each response that shows up in the brainstorm.

Some trainers add a captive audience meeting role play, assigning specific roles to different participants such as: store manager, regional manager, lead organizer, fence-sitter, worker who is an advocate for management. See a sample script for this in Appendix 4: Captive Audience Meeting Roleplay on page 92 of this manual. Also there is a collection of real-world anti-IWW propaganda in Error: Reference source not found on page Error: Reference source not found.



### What does inoculation mean?

In medicine inoculation refers to giving someone a non-lethal dose of a harmful virus or bacteria so that they will be immune to it if they ever come in contact with the real thing.

In organizing, inoculation is a similar process: you give workers a taste of the elements of an anti-union campaign so that when that campaign inevitably comes up, the workers will be ready.

**Campaigns are won or lost based on the degree to which workers are prepared for the union busting campaign.** If workers are prepared, they will not run from the union. If we, as organizers, tell workers what the boss will do before the boss does it, the boss looks predictable and we look experienced.



## Brainstorm: Expected repercussions of organizing

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The simplest way to begin an inoculation discussion is to ask a worker: “what do you think the boss will do when he finds out about the union organizing?” What kind of responses will we hear?

- Firings
- Close up shop
- Take away our hours
- Pile on extra hours
- Bring in scabs
- Divide and conquer
- Buy people off

So the first thing we need to do is to have a conversation about these fears, lay them on the table, and help the worker to move past them. What are some ways to deal with these fears we’ve identified?

Be prepared for the “fire us” fear. It will likely be the first or second response in the brainstorm. An organizer is honest: “yes, firings do sometimes happen in response to organizing, but...” Never try to allay someone’s fears by telling them: “the boss can’t fire you, it’s illegal!”



Why is this bad organizing?

It’s bad organizing because, while it may be illegal, it happens all the time. The law offers only nominal protections for retaliation during union organizing drives.

Possible responses for firings:

- We are trying to organize carefully, under the boss’s radar, until we have so much support that the boss won’t be able to fire all of us.
- The boss can fire anyone right now. By organizing we can prevent him from holding that kind of unchecked power.
- We are organizing a “discipline watch-dog committee” where we’re going to watch for any write ups and discipline handed down by the boss. We’re going to let him know that we’re watching him and we know what he’s up to.
- In the IWW, there are instances where workers were fired and the union came to their aid with donations, ULPs, collections taken up, bargaining for a severance package, and we’ve launched successful campaigns to win their reinstatement. The union will fight for you.
- We are asking you to take a risk here for sure, but what happens if you don’t take the risk? Nothing will change. [return to agitation – the worker’s issues.]

Some more key points for dealing with fears:



- The solution to fear is often further agitation. Fear is the paper, anger is the scissors. Anger beats fear. Go back to agitation if the problem is fear, but do so in a way that is honest and listens to their concerns.
- Sometimes people are afraid legitimately and they require a combination of agitation and then education about how the scary thing can be lessened in importance (ie. firings).
- Sometimes when a worker talks about something someone else in the shop is afraid of, they're actually talking about their own fear.
- People get held back by two things: fear and futility. Futility is either fear in disguise or it's a failure of vision. Failure of vision requires good education, to show change is possible.

## Brainstorm: Unexpected repercussions of organizing

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What are some things we know the boss will do, that other workers might not know about?

- Hire a union-busting law firm
- Hold a captive audience meeting
- Become nice
- Send letters to all employees bad-mouthing the union

What will the boss say about the union?

- Red bait the IWW
- "Third-partying" the union
- The union will make you pay dues
- The union will make you go on strike
- Unions protect lazy workers
- You will be saddled with an immense top-down bureaucracy



Handout: Anti-Union propaganda from IWW campaigns

These are the areas where inoculation really comes into play. If we don't talk about these things we know the boss will likely say and do before he or she does them, they can be powerful tools of intimidation.

## Brainstorm: Tell them before it's done

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What can we say to workers about these boss tactics before they happen?

- Hire a union-busting law firm: Make workers aware of these firms and what they do. Discuss common union-busting tactics.
- Hold a captive audience meeting: Prepare for the meeting beforehand, make our own agenda. If they aren't going to pay us to be there, boycott the meeting.
- Become nice: Talk about it beforehand, see it for what it is: the boss is running scared.
- Send letters to all employees bad-mouthing the union: Sit down and look at a few sample letters from other union campaigns. When the boss's letters come, they are so cookie-cutter, that they end up seeming ridiculous.
- Red bait the IWW: Have one-on-ones about the union's politics and the likelihood of red-baiting before it happens. Sign workers up.\*
- "Third-partying" the union: Emphasize that the union is US, we built it from the ground up.
- The union will make you pay dues: The dues are miniscule. Half stays with the local branch, half goes to pretty much to processing your paperwork at headquarters. We are going to need to save money for a strike fund in case we need it and dues help us do that.
- The union will make you go on strike: We decide if and when we take action. The larger union has no part in decisions about our shop. It's in the constitution.
- Unions protect lazy workers: Remember WE are the union. Everyone should get their "day in court" no matter what kind of worker they are. The most important thing is that we prevent people from being fired unjustly.
- You will be saddled with an immense top-down bureaucracy: The IWW is the most democratic union in the nation. Members in good standing get one vote at the local and international level. This includes local and international officers, many of whom are volunteers, volunteers on many committees, and even the newspaper editor. Workers are elected directly to the highest positions, which are almost all volunteer-based, there are term limits, etc. etc.

## Inoculation Roleplay

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Talk to a coworker about their fears, draw them out. Ask what they think the boss is going to do when she finds out about the union? Once you've dealt with one or two immediate fears, introduce a couple tactics management will use and have a conversation about them.

Emphasize to participants that the first place workers should hear about the IWW's politics is from the organizer, not the boss, and the need to be able to explain our ideas in everyday language to those we are organizing with. You might hand out or draw from the annotated preamble by Tim Acott (see appendix). Ways of discussing the preamble vary from organizer to organizer. Some trainers begin a discussion about this here.

# AEIOU: Organize

**Purpose:** This section should get people to think more in depth about how to involve participants in an organizing campaign.

**Suggestions:** We sometimes skip the roleplay here, if we are running short on time.



Organizing, in the context of AEIOU means giving workers a specific task to further the organizing effort along.

In **A** we found the issues and made them want to see the issue changed. In **E** we showed them how the solution to the change is collective action and got them to commit to be involved. In **I** we talked about how the boss will oppose their collective action. In **O** we get into the details how they will participate in the campaign.



Why do we ask people to take on an assignment?

- It prevents burnout on the part of people doing the heavy work
- It gives the worker an opportunity to help
- It demonstrates commitment, or lack of commitment: crucial information for the organizer
- It pushes people to become a more active and rebellious worker, a central goal of organizing

Second, and most important, get them to agree to do a concrete task with a clear completion date. This is also known as an assignment. This will help invest them in the campaign and develop their abilities as organizers in their own workplace. It is up to the organizer and worker to find the appropriate task, but do not be afraid of pushing people out of their comfort zones. Always set a specific time when you will follow up with them afterward. Get their phone number and their address. (If they won't give us this information then be aware that they may be someone who is not serious or trustworthy.)

## Brainstorm: Tasks

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What are some possible tasks we can ask workers to take on?

- Get a copy of the schedule or an employee list.
- Talk with coworkers to find information about an issue
- Get contact information for a worker in another department
- Set up a one-on-one meeting with a coworker and another member of the committee
- Ask them to join the committee
- Work on a press release or a webpage
- Do research
- Build community support
- Ask them to join the IWW



Roleplay: Ask a worker to take on a specific task to further the work of the committee.

## Assessment

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During our organizing it is also important that we keep track of how and when people follow through on a commitment. To keep track of this it's a good idea to have a method of assessment. An assessment is a designation given to someone that gives a rough idea of how invested they are in the organizing, and how far they are willing to go for and with the union.



**Why are assessments important?**

Follow through and doing the work is our best gauge of real commitment to the organizing. Don't take what people say as evidence they are committed to the union, some people may talk a good game but not be ready for action.



To illustrate, we can use a 1-6 ranking system for each of our contacts:

1. Is supportive of the organizing and has shown it by taking on a task and following through.
2. Has expressed vocal support for the organizing but has not done anything to show it.
3. Has expressed sympathies but also issues with the organizing, may be on the fence.
4. Has expressed resistance to organizing, vocally opposed.
5. Has expressed resistance to the organizing and has done something to undermine it.
6. We don't know, we have not talked to this person yet.

In some ways 6 is your most important number, because it is telling you what you don't know, and what you need to learn!

Keep your assessments along with your social map.

Update and share your assessments after each one-on-one and after a worker finishes a task. The organizing committee that can offer fresh perspectives, and everyone on it should have their own workers they are talking with and assessing.

Resist the temptation to assume you know where someone is at. Someone might be radical but scared or friends with the boss. Someone might be conservative but very invested in having a better workplace.

Do assessments after one-on-one meetings, not before.

Organizing at a bagel shop in Portland a group of workers were discussing a contact list and doing some rough assessments. It came to one individual and many of the workers at the table expressed concerns and did not want to approach this person, even though they were in a strategic place. When asked about their concerns it was expressed that people thought he was strange or weird. Turns out not only did he support the union but became active with the committee and the IWW in Portland.

Our committee will be made up of ones. Our goal is to get as many people as possible to move up the line, from 3 to 2 to 1, etc. Once we've assessed where a worker is at, we want to think about what we can do as organizers to move them to the next level. We want to think about how to push them...

# AEIOU: The Union Makes Us Strong

(aka “The Push”)

Purpose: Discuss “The Push” and ways to move people without alienating them.



In the organize section, we talked about getting workers to invest in the campaign by taking on tasks. Not all these tasks are the same, some are harder and require more risk than others. It's okay to ask someone to do something hard if you think they can do it. You can say, “I know this is going to be hard for you, but we need you to do this because...”

## Following through

After you give someone an assignment, the next thing is to follow up and make sure people are completing what you asked of them. It is the organizers job to not let others fail, to believe in people and push them to keep the campaign moving forward. This means checking in before the date they said they would have the thing done by. You must check in by phone or in person. If you don't follow through with them, you are essentially communicating to them: “I don't care whether you did the task or not.”

## Brainstorm: Obstacles



What are possible obstacles that hold people back from doing the work of the union?

Most answers fall into some general categories:

- Lack of resources
- Lack of confidence
- Lack of passion
- Fear

How can we move people past these obstacles?



The IWW isn't just about winning bread and butter improvements. We want to dramatically reorganize industry. We need to take small steps to push the people around us to constantly be upping their game. In this union we can never be totally satisfied with the level of work anyone is doing. This doesn't mean we have to nag, but we do have to recognize that very few of us are able to push through difficult and unsure times, scary situations, and our own hang-ups without some help and encouragement from the people we respect.

### Organizer's Story

Take some time before you give a training to think of a time where you needed someone else to push you past an obstacle in your life. Maybe you didn't know you needed help at the time, but it was a time where, in retrospect, the exact thing you needed was a push. Share this story here.

When we help each other in this way, we're really telling each other "I believe in you, I want to help you be the best organizer you're capable of being." If we don't do this, we are basically left to rely on our own morale, our very un-objective views of our work.

Pushing is a little bit of agitation, a little bit of education, a little bit of inoculation, and a little bit of organizing, and it all depends on the person, the issue, and the time. As we are first getting people used to doing strategic work in the union, our interventions might be pretty mundane. "Did you talk to Joe yet? No? Why not? You've been putting it off. Can I help you with it? Want to do a roleplay of the conversation? How about you call him right now, and then call me back?"

As we get to know one another, we might notice that some of us are having trouble. Don't just watch it happen! We're interested in organizing because we care about each other. Our futures are tied together. Let's act that way.

There's no such thing as a worker who is too class conscious. Pushing can be used to constantly up the ante.

### Key Points

- Train yourself to watch for obstacles standing in someone's way. Search them out, they are the enemy.
- Build a culture of pushing on your committee, so we know when someone is doing it to us, and we do it to everyone else.
- Don't focus on the external problems, think about what is holding the organizer back and why.
- Sometimes the pushiest thing you can say is "Why?"
- Expect defensiveness, but don't allow it to get in the way. Point it out and talk about it. Then continue.
- With pushing, the ultimate goal is not just to fix problems, but to help change the way the person deals with problems in the future.
- If you give people "the answer" then they aren't learning and you aren't being an organizer. Draw the answer out.



- Your duty is to make more successful organizers and that means not giving up and not letting organizers off the hook.
- You can't push someone unless you really care about them. Do you know why they got involved, and why they are still involved? Do they know why you got involved? Show your heart.
- Be on the lookout for alibis and excuses. They don't count.
- If the organizer isn't hungry to win, then they won't.
- The path of least resistance is the path to more of the same. The hardest choice is often the right one.



Roleplay: A one-on-one with a worker who hasn't completed a task. Find out why, and help them get past whatever is holding them back.



Discussion: What scares you the most about organizing that's necessary to our work together in the IWW?

# Asking Workers To Join

**Purpose:** The purpose of this section is to get organizers comfortable asking others to join the union. Some find this task difficult to do. Often this is a short discussion led by the trainer, but it can be expanded with role plays around asking workers to join and difficult situations.



Sometimes we might feel uncomfortable, shy, or embarrassed about asking a new person to join. We don't want to feel like we're salesmen. But we need to get over it, and figure out how to ask a new person to sign up and participate in the union's work. Why?

## Brainstorm: What if we don't?



Let's first think about the consequences of not asking people to join:

- The worker might never understand they can join the union. He or she might think that unions are made up of special people or he or she might not know how union membership works.
- We need all workers in our union, and can't just rely on self-starters who are already bold enough to ask, "How do I join?"
- The IWW will not grow if we don't ask people to join.
- As more time passes, it gets more difficult to actually raise the membership issue. In some cases, workers might be benefiting without membership and figure, why join?

In March 2003, there was a campaign among a small shop of home health care workers for disabled adults in Boston. We had been working with the committee for a couple of months, did a short training, inoculation, and talked about how the campaign might go. Sometimes getting people together to meet was difficult because these folks were working two and three jobs to make ends meet. It was also culturally interesting for us because of the nine workers in the shop, seven were middle-aged African Americans, two were younger white people.

The campaign reached the stage of being ready to ask for voluntary recognition. It was pretty intense. And we asked them at this time to join the union. It wasn't at all a big deal. They had come a

long way with us, and were about to lay their jobs on the line, so naturally a bond had developed and it seemed like the natural thing to do. Everyone signed up.

We were denied voluntary recognition, so we already had it in mind to go the NLRB. The first anti-union letter these workers got in the mail said, among other things, "If you join the union, you'll have to pay dues." So it was funny because they had already made the choice to be in the union, and they were already paying dues voluntarily.



Why do we sign up members into the IWW?

- This is how we build the IWW.
- We fund organizing and defense of members.
- It shows support and commitment for the campaign and the larger IWW.
- You're not just asking for the sake of the committee or a single shop, you want the new member to be an active part of a movement. This will help our long-term organizing. We might not win recognition. Even if we organize smartly, we might not always make it on the first go. Being connected to a larger movement will help us weather the inevitable setbacks.

Here's one way to handle it: "I want you to know that at some point down the road, I'm going to ask you to join. Not today but sometime soon. So I'd like you to be thinking about it and if you have any questions about it, I'm available. I want you to know that I'm working with you because I believe in this organization and want you to participate in it as well."



Discussion: How have people handled asking workers to join? Why did you join the IWW?



Roleplay: Ask a worker to join the IWW.

# Going Public: Knowing When And Possibilities For How

Purpose: Offers some things to consider on when and how to go public.

## Suggestions:

Explain that there is no template that can determine when to go public, we are presenting models.

Sometimes campaigns turn on timing.



At some point your campaign is going to public and you will say to the boss “we are the union and these are our demands.” As much as possible, the organizing committee needs to keep their efforts secret and off the radar of the boss so that when ready, they can choose the when, how, and where of going public, rather than having the boss setting these terms for them.

## Brainstorm: When are you ready?



- What are some benchmarks that tell us we’re ready to go public?
- We’ve formed a solid committee that is representative of the workforce (includes different job categories, race, age, language, gender).
- Our committee is democratically run and functions like a union.
- We are ready to offer mutual aid and fight the boss.
- We’ve educated our coworkers through one-on-ones about what the union is, what being in a union means, and what the short and long term goals are. We’ve assessed that our strength is widespread.
- We’ve spent time inoculating and preparing the workers for the bosses campaign.
- We’ve built a solid base of support through organizing around issues and creating a union culture.
- We are in contact with Headquarters, local and regional IWWs, and communicating to them where the campaign is at, so they can offer advice and be prepared to offer support and solidarity.

- We've thought about responses to different situations both pre and post going public.
- There is a strategic moment that will do the most economic damage to the boss, gain the most publicity, or tap into member readiness for action.
- People are ready to go public and nothing more can be gained by staying below the boss' radar. In these cases, going public will allow the organizing committee to work out in the open and force fence sitting workers to decide.
- We are prepared for a fight with the boss.

But perhaps the most important benchmark is: We can't move forward without going public. The "guerilla warfare" of underground organizing can only go so far, and sometimes it takes raising the union flag to attract the workers you can't get to otherwise.

## What would going public look like?

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- March on the boss on a break, shutting down production
- Flyer to boss and workers with the names of the committee and quotes beneath them ("We are the union!")
- A show of solidarity: wearing union buttons, t-shirts. breaking into song, shirts
- Go on strike
- File for an election with the NLRB (USA only)

When talking about filing for an NLRB election, discussion will often lead to detailed questions about the process, when it should be used, is it good or bad? etc. While detailed questions about the process are best saved for the labor law section, it may be good at this point to give an overview of when it makes sense and when it doesn't from the perspective of a campaign.

Be creative! At Free Speech TV in Colorado, IWW members around the world sent flowers to the workplace on Monday morning after the boss had been notified about the union on Friday, leaving the boss without the benefit of union busting consultants over the weekend. The boss didn't want to be the one to rain on the parade, pissing the workers off even more. An office full of union flowers coupled with the workers' solidarity forced the boss to concede recognition.

# Labor Law In A Nutshell (USA)

## Suggestions:

Remember that this section is not about listing facts from labor law but about getting attendees to understand that labor law was written to guide organizing in a certain way.

Let people know right away that this section is “talky” but do as much as you can to keep people interested, by asking as many questions as you can and by using visuals, like writing things on the board, to represent information.

Don’t get bogged down with detailed labor law questions, hypothetical or real. It is fine to respond to questions with “I don’t know.” Offer to find answers. Let folks know that they will get a handout on labor law which may answer some of those questions.

Let folks know that there are variations for different workplaces (public vs. private, small vs. large) and industries (airline, railroad, agricultural, etc.)

Give Labor Law Overview handout out *after* this section, so that participants are not distracted from participating by reading it.

## Overview of Labor Law History in the US



U.S. labor law is based in part on the fiction that workers and bosses meet as equals in the marketplace. Among other things, this means workers are legally ‘at-will employees’. At-will employment means that in general a worker is legally free to quit his or her job and on the flip-side a boss is legally free to fire workers.

## Payne vs. Western & Atlantic R.R.: (1884)

"[M]en must be left, without interference to buy and sell where they please, and to discharge or retain employees as they will for good cause or for no cause, or even for bad cause without thereby being guilty of an unlawful act per se."

"All may dismiss their employees at will, be they many or few, for good cause, for no cause[,] or even for cause morally wrong, without thereby being guilty of legal wrong."



Today we're going to focus on the parts of the law that relate specifically to workers organizing collectively and talk about where labor law comes from and what it means for how we organize. We're also going to talk about what we call "bureaucratic contractualism," which is the style of unionism that prevails in this country.

The National Labor Relations Act (NLRA), or the Wagner Act after its sponsor, established the basis for labor law today. The NLRA was passed in 1935. Labor relations before the Wagner Act can be an interesting topic but we're not going to really get into that. Here's a brief summary of labor relations before the Wagner Act: In that era, there were many kinds of unionism. Workers used a variety of means to get what they wanted. Sometimes they used disruptive direct action, sometimes they signed contracts with bosses to ensure labor peace. There was no uniform way of doing collective bargaining. The federal government's role in labor conflicts was mostly to approve court injunctions to limit the activities of unions and, occasionally, to end big strikes by sending in the National Guard or government negotiators. Workers (and bosses) generally organized themselves to serve their interests and reflect their ideas and goals. If bosses retaliated against workers for collective actions or organizing, it was up to the workers themselves or their union to protect them. This often disrupted production.

Getting back to the NLRA, it was created in 1935.

## The 1930s



**Ask:** does anyone know what was happening in the mid 1930s in the labor movement?

(Try to bring out the answer through responses, wrap up responses with the following statement.)



**Answer:** In the 1934, in the heart of the Great Depression, four major strikes occurred: a violent conflict at a factory in Toledo, general strikes in Minneapolis and San Francisco, and a textile strike throughout the South. Hundreds of thousands of workers had been on strike, and major US cities had been shut down by working people. Many people began to believe that a revolution was right around the corner. Fearing that the agitation would continue, and conscious that

millions of dollars were being lost due to these conflicts, the government sought a way to bring class struggle out of the streets and workplaces, and put it in a courtroom or office building. That way was the National Labor Relations Act.

The biggest change with the NLRA was that the federal government became willing to compel employers. This might seem like the government was pro-worker, but it wasn't. Prior to the NLRA, when employers negotiated with unions, they did so because of workers' economically disruptive action, or the threat of this action. After the NLRA, the government would require employers to respect certain rights that workers had, and it would require employers to bargain if workers won a union election. The point of the NLRA was in part to have the government be the one compel employers, instead of workers compelling employers, because then there would be less economic disruption. There is a world of difference between employers bargaining due to a government order and employers bargaining because of a strike.

The Act's actual title was "An act to diminish the causes of labor disputes burdening or obstructing interstate and foreign commerce." That tells you its real priority: to keep the economy moving without disruption. This is also clear from the Preamble to the NLRA:

"[P]rotection by law of the right of employees to organize and bargain collectively safeguards commerce from injury, impairment, or interruption, and promotes the flow of commerce by removing certain recognized sources of industrial strife and unrest, by encouraging practices fundamental to the friendly adjustment of industrial disputes arising out of differences as to wages, hours, or other working conditions."

Its purpose was not to protect workers' rights, but to ensure that situations like the massive disruptive strikes of 1934 did not reoccur. The Act was also intended to shape workers' organizations. Here's the Act's preamble again:

"[C]ertain practices by some labor organizations, their officers, and members have the intent or the necessary effect of burdening or obstructing commerce by preventing the free flow of goods in such commerce through strikes and other forms of industrial unrest or through concerted activities which impair the interest of the public in the free flow of such commerce."

That is: the Act was intended inhibit unions and workers who intended to disrupt commerce. It's worth pointing out here that we're the kind of union who seeks to abolish the wage system.

In order to carry out this mission of channeling workers away from successful and disruptive methods like striking, the NLRA did 4 main things:

1. Established a nation-wide framework for labor relations in the entire United States.
2. Created a process for union elections.
3. Provided legal protections for concerted activity and speech by workers.
4. Created an agency called the National Labor Relations Board (NLRB) to govern those protections and oversee those elections.





**Ask:** Do people see how the NLRA is connected to what happened in 1934?



**Answer:** It sought to make sure that a repeat of the mass worker actions of 1934 did not reoccur and that workers' struggle would be contained to certain legal practices.



**Ask:** The NLRA created these processes. Where and when in a worker's life did these processes take place?



**Answer:** Outside of work time. The point was to prevent open conflict where workers took action themselves in a way that disrupted the economy. Instead, workers were supposed to use non-disruptive NLRB processes, outside of work and off the clock, under the guidance of responsible professionals.

Since 1935, more laws have been passed that continue to push workers to organize in a specific way. Taft-Hartley was established in 1947. It partly codified some NLRB decisions made after 1935, and it partly introduced some new rules to labor law.

## The 1940s



**Ask:** Does anyone know what union saw extremely successful growth in the early 1940s? Does anyone know what the "Red Scare" of the 1940s was?



**Answers:**

1. The Teamsters.
2. The attempt to eliminate Communists from union leadership.

The Teamsters had such success largely because they used secondary strikes and secondary boycotts. “Secondary” here means when workers economically harm one employer in support of workers at another, separate firm. So, let’s a grocery store sells tortillas by a union-busting company. If workers organize a boycott against that grocery store, it’s a secondary boycott. If those grocery store workers strike against the sale of those tortillas, that’s a secondary strike. Here’s how the Teamsters used these tactics: They would pressure non-union firms who came in contact with Teamster truck drivers to recognize the union. If companies refused, truckers would refuse to deliver goods to that firm. At one point the Teamsters stopped almost all produce and groceries from being delivered to grocery stores in the city of Detroit, bringing commerce to a standstill and deeply frightening capitalist interests.

The Teamsters in the AFL were very effective with this tactic. Over in the CIO, many of the most successful and militant unions were effective because of the high participation of radical labor militants in industrial struggles. Despite numerous attempts by CIO leadership to eliminate “reds” who they saw as a challenge to their program, communists and other radicals continued to enjoy popularity in some unions amongst the rank and file due to their commitment to taking direct action and to breaking labor law when it was necessary.

Both these challenges, the use of the secondary boycott by the Teamsters, and the highly developed tactics and militancy of the Left in the labor movement, greatly concerned the capitalists and the government. Then there was a massive strike wave in 1946. All of this led the government to pass Taft-Hartley in 1947. Taft Hartley has many effects, but some of the primary ones were:

Outlawed secondary boycotts by workers covered by the NLRB Required union leaders to file affidavits with the government asserting that they were not part of the Communist party or any other group that wanted to overthrow the government.

Allowed states to outlaw union security clauses, creating the ability for states to enact Right to Work laws.



**Ask:** Do people see how Taft-Hartley is connected to what was happening in the mid 1940s?



**Answer:** As with the National Labor Relations Act, the point of Taft-Hartley was to shape the kinds of unions workers formed or joined, and to shape what those unions did and did not do. Over all, the main point, as with the National Labor Relations Act, was to keep the economy moving with minimal disruption.

## The 1950s

The last major change to labor law took place in 1959 with the Landrum-Griffin Act, which gave union members more rights to challenge their officers.



**Ask:** Does anyone know what was going on in the labor movement in the late 1950s? (Alt: Has anyone seen the 1954 movie *On the Waterfront*? What is it about?)



**Answer:** Because of how unions had been shaped over the past 40 years, democracy was a virtue that many unions had lost. Capitalists and labor law wanted unions which served as bargaining agents for workers to meet in the boardroom with the bosses. This required stable, consistent and professionalized union staff. It also meant unions couldn't be too democratic, because democratic unions might choose other priorities. So, democracy could threaten the role of union. At the same time, this bargaining role by union professionals helped foster other problems. Corruption and mob influence in unions were a serious problem by the late 1950s. Unions controlled by organized crime threatened the rational unionism that capitalists desired, because mobsters often direct these unions to do all kinds of things which appear irrational to capitalist interests. Workers fought a difficult battle against corruption and for democracy within their unions. In 1959, after years of rank and file attempts to reform their unions and a series of high profile congressional hearings of the Teamsters, the East Coast Longshoreman's union and others, Congress passed the Landrum-Griffin Act.

Landrum-Griffin had many changes to labor law, but some worth mentioning include:

1. Member rights, like a secret ballot and limitations on trusteeship, and union and officer reporting rules to the government were outlined, focusing on ending corruption in the labor movement
2. Expanded prohibitions on secondary boycotts.

Landrum-Griffin was partly the result of workers' struggles against union corruption and for union democracy. Union democracy was not Congress's priority though. Here's a key quote from the preamble to the new law:

The Congress, therefore, further finds and declares that the enactment of this Act is necessary to eliminate or prevent improper practices on the part of labor organizations, employers, labor relations consultants, and their officers and representatives which... have the tendency or necessary effect of burdening or obstructing commerce



**Ask:** Do people see how Landrum-Griffin exists primarily as a way of “rationalizing” the labor movement to work better under capitalism?



**Answer:** The law gave workers’ rights within their unions in order to have workers help capitalists turn irrational, mobbed-up unions into rational pieces of the capitalist system who played by the rules.

## Conclusion

In each of these three pieces, we see the same pattern emerging. Workers struggle, against their bosses or against corrupt union officials. Workers find different ways of expressing their resistance to capitalism, many of which lay outside the law, and which threaten to disrupt the economy. Then the government responds to this struggle by writing new laws. These new laws constrain the abilities of the labor movement to act and pressure it to act in a specific way. Workers struggle, the law reacts, and workers’ activity is channeled towards less conflictual, more rational activities, which do not threaten capitalism’s functioning.

The many types of unionism that existed before the Wagner Act have been progressively whittled down. Today there’s just one type that is widespread and legally recognized. Some people call it business unionism or service unionism. We can also call it “bureaucratic contractualism.” In this kind of unionism, specialized, professional union officials and staff (lawyers, officers, organizers, researchers, etc) focus organizing away from militant worker action and instead towards National Labor Relations Board (NLRB) sponsored elections, grievance meetings and Unfair Labor Practice Charges (ULPs), and getting and maintaining collective bargaining contracts regardless of how bad the contract might be. In this kind of unionism, the only legitimate terrain for unions is wages, hours and working conditions. Their goal is always a contract. These unions rely on contracts and the government to protect workers, rather than workers ourselves using the strength of solidarity to win our demands. Their goal is a narrowly envisioned contract that limits workers’ demands and dreams.

The problems with these developments should be clear. In fact, organizations such as the IWW and the ACLU originally opposed the Wagner Act because they anticipated many of these developments. In the IWW we propose a different model of unionism that we call Solidarity Unionism. Rather than focusing on “getting an NLRB election,” the main goal of unionism is to empower workers to use solidarity and organization to win their demands. Rather than relying on labor laws that favor bosses or professional-union-staff-centered models of unionism, Solidarity Unionism believes that by acting as a union at our workplaces and across our industries, whether as a majority or a small group, we can create change without necessarily getting bogged down in the government sponsored recognition or contract processes which were written in specific ways to move workers’ away from direct struggle.



**Ask:** Does everyone understand how labor law has come about in reaction to workers' struggle? Does anyone have any questions about this? (Could be time for a brief discussion if people have responses to this idea.)

## ULPs and NLRB Elections

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Okay, now we're going to get back to the NLRA, and we're going to get a bit more specific about two things related to the National Labor Relations Board – filing charges against employers, and filing for elections.

### Unfair Labor Practices

One thing it can be useful to know about as an organizer is the concept of “concerted activity.” This appears in the Wagner Act. This is a legal term that basically says, when two or more workers talk, assemble, and act in their interests or to improve their working conditions, such as asking for a raise or benefits or the whole works, they must not face retaliation from employers. It is important because workers who engage in concerted activity, and document it, AND face retaliation can file an Unfair Labor Practice (ULP) charge. Compare this to at will employment. These rights are certainly better than at will employment. However, using this mechanism to fight the boss is long, disempowering process. Moreover, it turns the grievance process of individual workers, or groups of workers, over to the NLRB, which will narrowly interpret the law to favor management. One thing to be said, though, is that the ULP form is very worker friendly, a one page document that does not require a labor lawyer or expert.

### The Life of an Unfair Labor Practice (ULP) charge

**Purpose:** To teach workers about the process and timelines for ULP charges, and to demonstrate how frustrating the process can be.

One of the tools we have is the Unfair Labor Practice, or the ULP. If the employer breaks one of the laws of the Wagner Act, you can file what is called a ULP.

You may file for a ULP any time between the date of the incidence and six months later. The boss may challenge your unemployed status, so you may want to wait until you have gone on record as filing for unemployment.

Who files the ULP, the worker or the union? The answer must be thought about strategically. NLRB agents will typically not want to deal with a worker directly. On the one hand, we want the individual worker to be as involved as possible in the process. You may want have the union file it, as they may be able to get more information from the board. A community organization might be a good alternative if the boss does not know his or her workers are organizing a union.

#### **Day 1**

##### Filing of ULP

## ***Day 2***

(The fastest the board ever moves...) Your boss gets an exact copy of the ULP. In other words, do not use the ULP form to tell your life story, as the boss will use the information to undercut your argument and your drive. Simply state the nature of the ULP and which section of the NLRA it violates, etc.

## ***Day 10***

Once you have filed a ULP you will want to call a board agent and find out how soon you can get in for an affidavit. The board brings you in and writes up an affidavit. Before this day comes we want to coach the worker in question about what to expect at the hearing. We want to get the story totally straight of what happened that caused the filing of the ULP in the first place. You are allowed to bring notes and to consult them as the agent asks you questions. While the agent may ask leading questions, there may be certain pieces of information we want to make sure gets heard. Also make sure the worker leaves with a copy of the affidavit.

Sometime around here the boss will also be filing his affidavit.

## ***Between day 10 and 90***

Nobody knows.

## ***Day 90***

Board recommendation. The board decides whether there is enough merit to pursue the charge. Most cases are not pursued. If they do pursue it, the NLRB becomes your attorney, and there is an 80% chance that the outcome will be in your favor. If they choose not to pursue, you may withdraw the charge, in some cases to save face. If you do not withdraw the charge, you may request a form explaining the board's decision (you do not get explanation if you withdraw the charge), and appeal the decision.

## ***Day 180***

Hearing with an administrative law judge (ALJ). Between the board recommendation and this hearing you can try to settle (with back pay), as the union is strongly at an advantage, and the lawyer the boss hired is costing him money by the day.

The hearing is not like Judge Judy. A court stenographer simply records testimonials from both parties as they present their evidence. Again make sure you get a copy of the transcription.

## ***Day 240***

Legal arguments are due to the ALJ. The labor board and the boss's lawyer both submit their cases to the ALJ. (Often the boss will ask for an extension here adding another 60 days or so to the process).

## ***Day 320***

ALJ decision: if you prevail on the case, you may get 1) a 60-day notice posting saying the boss is sorry and won't ever do it again; 2) a "back to work" order, in which the employee is allowed to have her job back (does little good at this point); 3) Back pay minus interim earnings including unemployment. This is referred to as the "make whole" remedy in which the law attempts to redress the losses incurred from the ULP.

## ***Do math for those in attendance***

Let's say the worker gets a favorable ruling and the NLRB orders the boss to reinstate the worker with back pay. The boss is only obligated to pay the difference between back pay and whatever income the worker had. So, consider the following:

Worker is fired and loses 8 month's pay, \$16,000. In the meantime, the worker received \$4000 in unemployment, \$3000 working day job and \$4000 working night job. The boss only has to pay the worker \$5000. Not much of punishment—in fact, his retaliation was good business. He was probably able to hurt or stop the union campaign and will not have to take back the fired worker who has moved on. Also, the fired worker probably suffered financially, thus diminishing his or her activism.

Despite the obvious hang-ups, there are sometimes some advantages to filing a ULP. You may have a good shot at getting someone's job back or getting back wages. It can give your campaign a morale boost if you are able to demonstrate the boss's flagrant violation of the law. You may also try using a threat of a ULP rather than an actual filing, as this can be a more effective pressure tactic in some cases. In addition, if a striking union prevails on a ULP, you may have the option to convert the strike into a ULP strike which carries the legal benefit that strikers cannot be permanently replaced by scabs. Again, use the ULP as a tool when it helps, but never rely on the law in a union drive, and be prepared for the worst when you're trying to fight the boss in the courtroom. Bosses can appeal the charges almost indefinitely and getting your job back years after you were fired means very little for an organizing campaign.

## **Life of an NLRB Election, (based on Section 9, NLRA)**

As we saw earlier, for many years since 1935, mainstream unions have opted to rely on the election process of the NLRB to certify new bargaining units. It is largely ineffective for reasons that will become clear. Here's what happens in an election:

### ***Day 1***

You file a petition for an election at the regional NLRB office. You need at least 30% of the workers in the proposed "Bargaining Unit" to sign authorization cards or a petition requesting an election. The cards are good for six months since they are signed. There is some particular language you have to use to make them valid. [bring an example authorization card]. Getting cards signed is the primary organizer task in a mainstream union drive.

### ***Day 2***

Your employer gets a letter from the NLRB informing them that their employees have requested an election.

### ***Day 2, continued***

Your employer begins getting calls from professional union-busting companies that monitor election filings offering to help them defeat the unionization drive. The anti-union campaign begins.

### ***Day 7-14***

The NLRB assigns an agent to the case, who attempts to get a "Stipulation Agreement" signed by both parties that defines who will be covered by the election, and when and where the election will take place. The employer may "challenge" the bargaining unit, which initiates a set of hearings in front of an Administrative Law Judge that can delay the election. Often they try to change the bargaining unit to make it too big to organize, include bosses who will vote against the union, or

make it too small to have the power to win gains.

### **Day 2-45**

The employer seeks to undermine the union by any means possible, including captive audience meetings, one-on-one meetings, intimidation, anti-union petitions and buttons, tightening discipline, and firings. Filing a ULP over pre-election conduct can delay the election.

### **Day 30-45**

The election is held near the workplace.

If more than 50% of the workers vote NO, the union loses and cannot file for a new election for a year.

If more than 50% of the workers vote YES, the union WINS!!! But what do they win.... The company has to "bargain in good faith" for one year to reach a first contract. All this means is that the company has to meet with representatives of the union once a month for a year. If either side feels that the other isn't bargaining in good faith, they can request arbitration from the NLRB. Then a government arbitrator will impose a contract on both sides. After a year, a new election can be held in the workplace. Typically, the company will build up an anti-union campaign in the workplace and attempt to decertify the union after a year.

But let's say that you effectively win a contract...

## **Components of a Contract**

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Theoretically, you can negotiate anything into a contract. In practice, employers push hard for the following:

- **Management Rights Clause.** Defines anything outside of basic bread-and-butter issues like wages, benefits, and occasionally staffing and scheduling as off-limits in collective bargaining.
- **Mandatory Grievance Procedure.** Creates a bureaucratic process for dealing with workers' grievances individually, off the shopfloor, rather than collectively, on the shopfloor.
- **No-Strike Clause.** Binds the union to ensuring workers stay passive and don't disrupt production for the life of the contract. This robs workers of their most powerful weapon—direct action on the job. This practice is banned by the IWW constitution.
- **Dues Check-off.** You may be able to avoid this, but nearly 100% of contracts in the US include it. It means that the employer collects dues from workers on behalf of the union, and then gives them to the union. This gives an enormous power to the employer— who can now potentially stop collecting dues for the union— and allows the union's organization to atrophy. The IWW constitution bans dues check-off.

You may be able to avoid these if you bargain aggressively and maintain a culture of militant direct action on the job. However, if the employer asks for arbitration, it is virtually certain that a no-strike clause and management rights clause will be imposed on you. Why give the employer those tools?

Wrap-up for this section: The NLRB process was designed to take class struggle off the shopfloor and put it in a courtroom or office building. Business unions seek to reduce reliance on disruptive collective action. They operate in a framework called "Workplace Contractualism." The only problem is, it doesn't work. Things continue to get worse for workers, while the legal framework established by the NLRA and similar legislation worldwide continues to decay. Only a direct action-based, revolutionary unionist approach can provide us with a model to escape capitalism's clutches and end



the wage system forever.

# Canadian Labour Law

This module is designed for participants organizing within Canada to understand the role of labour law in controlling and demobilizing workers. Many will find it to be the most important modules of the training and are confused about why it's all the way at the end, instead of being front and centre. Through the training, you may find yourself fielding questions about law, only to come to a module which is more ideological than practical.

This module is quite thorough and should be cut down if time requires it. Do not cut time from other modules to accommodate the Law.

## Suggestions:

- Keep a copy of the handouts in front of you while completing this module. They have many spaces for participants to write in missing information as a way to keep folks awake.
- At present time, this module contains specific information for Ontario and New Brunswick, because those are the provinces the author has had occasion to train in. Please find accompanying this manual a CLC paper which outlines the difference between provinces; this will allow you to customize the training to other provinces if you would like.

## Introduction



In Canada workers and employers have a legal obligation to each other. This means if you are an established employee of a business (longer than three months) you must give notice before quitting and you must be given notice before you are fired. This goes back to the Master Servant act of 1823 in Britain, where it was established that workers and their bosses have obligations to each other.

Still, there are a host of laws that govern employee/employer relations. Minimum wage, overtime, sexual harassment, racial and age discrimination, workplace safety, and so on are all covered by various federal and provincial laws. It is good to familiarize yourself with these laws because you will find that employers routinely violate them and these violations can help your organizing and public relations. Here are some of the major ones (also known as "what this training

doesn't cover):

- Provincial Employment Standards legislation
- Provincial Workers Compensation acts
- Provincial Human Rights acts
- Provincial Occupational Health & Safety acts
- Provincial Workers Compensation Acts
- Provincial Labour Relations Acts (85% of all workplaces fall under this act)
- Canada Labour Code (15% of workplaces fall under this act)
- Charter of Rights and Freedoms
- Criminal Law
- Traffic laws
- Laws which apply specifically to your area of work (exclusions from legislation, federal vs provincial coverage, professional conduct etc)
- Immigration and visa laws (live-in caregiver program etc)
- Whistle-blowing
- Environmental protection
- Provincial laws governing work in the Public Service
- Essential Services legislation
- *Coming soon: Right-to-work*

**Suggestion:** At this point, you may want to provide the audience with a suggestion to call these agencies as if they themselves needed one of the agencies, be it a wage and hour violation or unemployment. Nearly all of them have information on the web, too. It might be helpful to do a combination of both. Organizers will be more comfortable discussing these laws and agencies with coworkers if they spend some time becoming familiar with these agencies.

## Some History

Today we're going to focus on the laws that relate specifically to labour organizing, the **Provincial Labour Relations Acts** and the **Canada Labour Code**. Before the 1930s, the government's role in labour conflicts was to approve court injunctions to limit the activities of unions and, occasionally, send in the Mounties to break strikes. Workers (and bosses) generally organized themselves to serve their interests and reflect their ideas and goals. If bosses retaliated against workers for collective actions or organizing, it was up to the workers themselves or their union to protect them. This often disrupted production.

Over the course of the 20th Century a sort of truce was worked out between the unions in Canada and employers. Several important factors played a major role in this development.

1. Government intervention in the collective bargaining through **binding arbitration**
2. The **Rand formula**
3. The registration and **certification** of unions as outlined in the various LRAs

## 1. Binding Arbitration

Binding Arbitration is where the government intervenes in a labour dispute and forces a settlement on both parties. This is often supported just as much by the business unions as it is by the government. Many provinces have first contract legislation that forces employers to sit down and negotiate a contract. It is also designed to demobilize the workforce and keep them working. Above all else production, where workers are strongest, is not affected. So it forces a contract on the employer but the workers have to give up the shop-floor power needed to enforce the contract. It strengthens the union bureaucracy at the expense of the workers.

In **New Brunswick**, All collective agreements must include a provision for arbitration before the union is in a legal strike position.<sup>1</sup>

## 2. The Rand Formula

The Rand formula is named after Supreme Court of Canada Justice Ivan Rand. In 1946 he ruled that employers must take the union dues off of the paycheck and hand the dues to the union. The intention was to discourage workers from not paying dues and then freeloading on their more militant co-workers. The IWW has always opposed this system because it makes unions less accountable. Before the Rand formula unions had to justify what they did to the workers and if their workforce didn't like it they withheld dues money, now unions can take representation of their workers for granted. Again the union bureaucracy was strengthened at the cost of the workers power at the grass roots.

## 3. Certifications

One of the great myths of labour relations legislation in Canada is that you must be registered in order to be a 'real' union. A key part of registering is a commitment to keeping production running during a dispute through the grievance procedure. In some provinces this is implied, like Alberta, in others it is explicitly stated in the legislation, like in Ontario. Part of the great compromise that happened after WWII was the unions agreeing to a system where the government would recognize unions that agreed to play by the established rules. The unions on their part agreed to enforce these rules on each other through the Canadian Labour Congress.

The system of arbitration, the Rand formula, even the kinds of contracts negotiated are all optional. Unions who do not conform to this system are raided out of existence with their Government recognition revoked and handed to unions that will play by the rules. This was the crowning achievement of the trade union bureaucracy giving them incredible power at the highest levels and guaranteeing a largely passive workforce.

## Workplace Contractualism

Together, these developments produced what is known as **Workplace Contractualism**. The unions that support, and benefit from, this kind of unionism are known as business unions, mainstream unions, or service unions. These unions rely on contracts and the government to protect workers, rather than workers themselves using the strength of solidarity to win our demands. Their goal is a compromise between workers and bosses that allows them a special place representing the workers along with prestige, access to government and even a hand in running key industries on workers behalf. This is called **Labour Peace**. They also depend on the law, not the support and engagement of their own

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<sup>1</sup>CLC (2011) Mapping Fundamental Labour Relations Laws in Canada pg 46

members to exist.

In the IWW we propose a different model of unionism that we call **Solidarity Unionism**. Rather than using card signing and focusing on “getting an election,” the main goal of unionism is to empower workers to use solidarity and organization to win their demands. Rather than relying on labour laws that favor bosses or professional-union-staff-centered models of unionism, Solidarity Unionism believes that by acting as a union at our workplaces and across our industries, whether as a majority or a small group, we can create change without necessarily getting bogged down in the government sponsored recognition or contract process. It is much closer to how most unions were originally built in Canada and around the world. While we are still working to define this model through our organizing experience, we feel that it is the best way to build a labour movement that reflects the values and goals of the IWW.

## Certification

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Certification follows a process that varies by province but the steps are essentially the same.

**The first step is registration** with the Labour Relations Board, this requires a list of all the officers, bylaws, and banking information of the union. Sometimes unions are denied at this step, the IWW in the 1970’s in British Columbia was denied registration and thus not allowed to run certification elections.

**The second step is signing cards or petitions and collecting the initiation fee.** You must have a certain percentage of the workforce give written support for a union in their workplace and pay an initiation fee. While the percentage varies by province as an organizer you should always make sure you have at least 60% of the workers on board, the highest threshold for certification is 50% the lowest is 40% (in Alberta). In some jurisdictions if you present 50% signed cards you are automatically certified and can begin collective bargaining.

**The third step is the board-supervised election.** Some labour jurisdictions (like Alberta) require an election after the cards have been signed. This is often where things really heat up and the boss will start intimidating workers, and maybe even trying to fire people. This is also why its important to have at least 60% sign cards because you may loose some people through threats and you want a buffer.

On top of this you are not typically allowed to strike, or picket within 90 days of a certification election. You must sign cards outside of work hours and sometimes off the bosses property (depending on the job). This entire timeline typically runs about 60 days for registering and 90 days for certification.

## Once a certified union is in place

Many wobblies need to know about how certified unions work, either because they are in jobs where they are in a union, or they are organizing and not sure which path to choose. In the section we will discuss the on-the-ground realities of contractual unionism.

- Grievances
- Striking
- The responsibility of unions to enforce the law
- Picketing
- Injunctions

## Grievances

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Grievances are complaints filed by workers who have a CA, stating that their employer has violated the agreement.

How are grievances settled?

- a) Every collective agreement must contain a grievance procedure for settling disagreements without work stoppages with respect to the application, interpretation, and administration of the agreement. Where a collective agreement does not contain such a provision, the Industrial Relations Act deems such a procedure to be included in the agreement.
- b) The grievance mediation procedure is a voluntary process which can be an effective alternative to grievance arbitration. Grievance mediation does not interfere with the rights of the parties to have access to the grievance and arbitration processes. The parties to a collective agreement through the assistance of a grievance mediator, attempt to resolve a grievance through negotiations, therefore allowing the parties to control and shape settlements. If no agreement is reached, the grievance may still be referred to Arbitration. The only expense incurred by the parties in grievance mediation is the cost of the facilities, if necessary.
- c) Arbitration is a process by which a third party makes a settlement decision that is final and binding on the parties. The Arbitrator is not familiar with the negotiations that have taken place between the parties. All he or she knows, and all he or she can base the decision on is what the Arbitrator hears.

**What happens if an employer refuses to back down even if they are in very clear violation of the CA?**

The only recourse the union has is Arbitration, which is expensive. Many unions will be unable/unwilling to accept the costs unless they think it is strategically necessary.

If a problem arises which is not in the contract, there is no way to resolve it while the contract is still in force. (Some jurisdictions will have provisions for “past practice,” meaning if the employer drastically changes something which was taken for granted before, it may not be allowed even if there is no specific language in the contract. However this is not easy to prove.) What impacts does this have on organizing?

- There is nothing to do so far as the law goes. Must wait until the next round of bargaining, whenever that is, to address it.

## Striking

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In Ontario: Include the CUPE 1883 handout

The precise process for attaining a legal strike position varies by jurisdiction, but it usually involves a prescribed negotiation process, then votes, waiting periods and notice periods.

In **Ontario**, refer to the CUPE handout.

In **New Brunswick** the *Industrial Relations Act* definition:

“strike” includes a cessation of work, a refusal to work or to continue to work by employees in combination or in concert or in accordance with a common understanding, or a slow-down or other concerted activity on the part of employees designed to restrict or limit output, but no act or thing required by the provisions of a collective agreement for the safety or health of employees shall be deemed to be an activity intended to restrict or limit output; “to strike” has a corresponding meaning;

In **Ontario**, the OLRA defines a strike:

“strike” includes a cessation of work, a refusal to work or to continue to work by employees in combination or in concert or in accordance with a common understanding, or a slow-down or other concerted activity on the part of employees designed to restrict or limit output;

## The responsibility of unions to enforce the law

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The various provincial labour laws give unions themselves different responsibilities in enforcing labour legislation. In many cases, unions can be held culpable when the law is broken.

(Source of below text: OPSEU Local 555 leaflet on definition of a strike)

Illegal strikes are determined by rulings at the OLRB and include several key points:

- Employer makes immediate application to the Board for ‘a cease and desist order’ injunction and asks that the Board use its full remedial powers.
- Employees who participate in an illegal strike are subject to discipline up to and including discharge
- Court injunction if the Board orders are disobeyed
- Fines and jail sentences if found in contempt of court for Breach of orders.
- Employer may also sue for damages individually and to the union (in past, have cost other unions millions of dollars)
- Union activists (as recognized leaders) can be sued and court finds that they should receive disproportionate penalties because of their leadership role.
- Leadership will be held accountable.

## Picketing

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An important case in Canadian rulings regarding picketing is *R.W.D.S.U., Local 558 v. Pepsi-Cola Canada Beverages (West) Ltd.* In its ruling, the Supreme Court of Canada stated that “Secondary” picketing is legal, and in fact that all picketing is legal unless proven otherwise.

A **secondary picket** is when a union does an action at a business or organization who is not the employer. For instance, if a farm workers' union was picketing at grocery stores who stock produce which their company provides.

The ruling also established that the primary purpose of picketing is to **communicate to the public**, with a sense of solidarity and blowing off steam being secondary objectives.

While all pickets are legal until shown not to be legal, there are many factors which may render a picket illegal:

- Breach of criminal or tort law, for example:
  - Trespassing
  - Causing a nuisance
  - Defamation
  - Intimidation
  - Misrepresentation
- Preventing the lawful use of private property
- Would cause a breach of a business contract. For example if the employer has a contract with someone, you cannot do anything which would prevent them from honouring that.
- In case of injunction
- In **Ontario**:
  - Blocking or delaying vehicles or other traffic longer than it takes to “communicate” your message (5-10 minutes)
  - Causing traffic jams
  - Violence, assaults, property damage, defamation, harassment of scabs/managers

**Tort law:** Is similar to “personal injury” law in the US. It includes things you can sue a person for. While assault is an offence under the criminal code, damaging someone physically or emotionally so they are not able to live as they had before is punishable under tort law. Tort law only meets out reparations in the form of monetary compensation.

## Injunctions

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An injunction is a Court order which limits the activities of strikers even more than the above. In order to obtain an injunction, three conditions must be met:

1. The picketing involves an illegal act, as described above
2. The employer has attempted to utilize the police to control the situation, but this has not been effective
3. Irreparable harm (which would not be remedied by financial compensation) would result if the injunction were not granted

An employer who wishes to obtain an injunction follows these steps:

Note: a “clear” means: counting begin the day after notice is issued and only counts regular business days.

1. Find a judge who will provide time to hear the motion.
2. The employer identifies the union and the individuals it wishes to sanction.
  1. Photographic evidence is not ideal. The preferred methods are either to get a supervisor who is familiar with the person to ID them and observe them acting unlawfully, or if the worker is not known in such a way, to approach them and ask them to ID themselves.
3. Give notice to the union and individuals involved, by letter or phone.



4. Prepare affidavits, which involves a lot of lawyers and time  
An affidavit is a sworn statement of what happened, when, how. It must be precisely accurate and for this reason they are expensive and time consuming. It must be signed by a witness (a "deponent").
5. Once Notice is served, there are different time periods which an employer must wait:
  1. 4 "clear" days: An injunction if granted will effectively be in place for the duration of the strike
  2. 2 "clear" days: Injunction in place for < 4 days
  3. The notice period may be waived altogether if "irreparable harm" would result from waiting even 2 days: Injunction in place for < 4 days
  4. The trial normally lasts about 1 day. During this time the deponents may be cross-examined by the union. (I was not clear if this is always the case??? -Max.)

An injunction may then be granted which could limit: time of pickets, locations of pickets, number of picketers, activities allowed on the picket.

## The sword and shield

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The right to form a union, join a union and participate in a union is protected under the provincial labour relations laws and the Canada Labour Code. You cannot be fired for agitating on the job in favour of a union. We mentioned earlier that the Labour Relations code that governs most unions is optional and we gave some good reasons to be leery of this model, however on this one point it is extremely useful to us in order to keep us on the job organizing.

However bosses are clever people they almost never fire you for union organizing, they simply say they fired you for some other reason. This is why it's important to keep membership cards, applications and records of all your meetings. Also anyone on the inside of a campaign in a shop should keep a journal, it's also a good practice to watch your pay stubs and compare them to your hours worked, a journal like this can also save your job.

If a complaint is brought to the board the burden of proof is on the employer to prove that you were not fired for union organizing. In fact under these circumstances you actually have more protection, legally speaking, than any other time during your working career.

**"The law is a good shield but a poor sword"**

## No strike clauses

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The provincial labour codes and the Canada Labour Code allow for certification and registration of unions. This involves a trade off:

- The unions first and foremost give up the right to strike.
- The employer gives up the right to lock their workers out.

Both sides gain the ability to solve disputes through arbitration without affecting production. Strikes and any other direct action that affects production are only allowed when notice is given, the election is supervised by the labour board, and the strike is only related directly to issues of wages, working conditions and benefits.

## Excerpt from the IWW International Constitution

### ARTICLE XI

#### Agreements

Sec. 1. Each Industrial Union shall have power to make rules relating to agreements between its job branches and the employers.

Sec. 2. No agreement made by any component part of the IWW shall provide for a checkoff of union dues by the employer, or obligate the members of the union to do work that would aid in breaking any strike.

Sec. 3. Effective January 1, 2013, no agreement by any component part of the IWW shall provide for a prohibition barring members from taking any action against the interests of the employer, nor shall any prior agreements add new prohibitive language. Agreements containing previously negotiated prohibitive language, and the renewal of such agreements, shall be exempt from this amendment.

Section 3 was just added in a recent (Autumn 2012) referendum, ratified by ballot of the membership.



- What were the motivations of those who put forward and supported this motion?
- What are the effects of this rule on organizing in Canada?

## Industries which are not covered by normal LRAs

Some industries are specifically excluded from protection under LRAs.

**Ontario:** Teachers and school workers

Domestic workers

Agricultural workers (I think this may be changed??? -MB)

Police

Firefighters

**New Brunswick:** Domestic workers – Domestic workers who are employed in private homes are not considered to be “workers” under NB law.

Agricultural workers

Fisheries workers

### ***Covered by the Canada Labour code***

This level of detail does not need to be shared with most groups, unless there are participants who fall into these categories. For the most part it is enough to say that some workers are covered by the CLC, not provincial LRAs.

“federal work, undertaking or business” means any work, undertaking or business that is within the legislative authority of Parliament, including, without restricting the generality of the foregoing,

(a) a work, undertaking or business operated or carried on for or in connection with navigation and shipping, whether inland or maritime, including the operation of ships and transportation by ship anywhere in Canada,

(b) a railway, canal, telegraph or other work or undertaking connecting any province with any other province, or extending beyond the limits of a province,

(c) a line of ships connecting a province with any other province, or extending beyond the limits of a province,

(d) a ferry between any province and any other province or between any province and any country other than Canada,

(e) aerodromes, aircraft or a line of air transportation,

(f) a radio broadcasting station,

(g) a bank or an authorized foreign bank within the meaning of section 2 of the [Bank Act](#),

(h) a work or undertaking that, although wholly situated within a province, is before or after its execution declared by Parliament to be for the general advantage of Canada or for the advantage of two or more of the provinces,

(i) a work, undertaking or business outside the exclusive legislative authority of the legislatures of the provinces, and

(j) a work, undertaking or activity in respect of which federal laws within the meaning of section 2 of the [Oceans Act](#) apply pursuant to section 20 of that Act and any regulations made pursuant to paragraph 26(1)(k) of that Act;

## Working outside the Labour Relations Board

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The elephant in the room with the labour relations system in Canada is that nowhere in the Canada Labour Code does it say that you have to operate under the certification and registration system that gives up the right to strike. In fact the protections for joining a trade union are available to any worker, in a certified bargaining unit or not, that advocates for collective action by the workers themselves.

The one thing the Labour Relations Board route does offer is protection for the right to strike. However, these strikes have to be after notice has been given and a board-supervised election has taken place. By this time the employer has already lined up for their request to take out an injunction against any pickets too. In other words you have the right to strike so long as the strike is not very effective and does not affect production.

**This legal strategy is deliberately used to prevent the most effective strikes, those that happen on the job over immediate concerns. A good strike is one that is unexpected and does not last more than an hour. These strikes are not permitted under the Provincial Labour Codes but are perfectly legal, in other words if you are not certified under the act it does not apply**

# Direct Action

To teach organizers how to plan direct actions, escalate, and win demands.

First, give a short introduction to direct action. What do we mean by direct action? Why is it so important? What happens to campaigns that do not take direct action? Feel free to solicit answers to these questions from attendees, and to have a short discussion about topics that come up. Explain that "direct action gets the goods"—it's how we win demands, build solidarity within our committee, and challenge the boss' authority on the shop floor.

A good metaphor is that direct action is oxygen, and without it, our organizing campaign will die.

## Identifying a Good Demand



In this section, trainers will put the following scenario on the board: we're working at a local print shop, there are about 60 employees and we are still under the radar from the boss with a 5-person committee. (Feel free to tailor this scenario to your audience, however, this example is generic enough to be relevant to most people. Just be sure to have a wide swath of issues as seen below).

We've done some brainstorming on the problems at work among the committee:

- Someone got fired for no reason
- Wages too low
- No extra pay on holidays
- Not allowed to turn on A/C in summer (even though machine works)
- Schedules aren't given until the last minute
- No healthcare coverage
- Often called in and sent home early when its slow
- Mandatory overtime at short notice when big orders come in
- Forced to work through lunch breaks
- There is an old, broken down machine in the back room that causes headaches when used
- Little to no training for new people

Have the group pair up, having each pair list the first two demands they would begin fighting for and why those demands make sense as a starting point. Have

groups form demands that clearly express what they want the boss to do to fix the problem.

After everyone is ready, go across the room asking each group what demands they've come up with. Be sure to ask why this demand make sense. Hopefully, most groups will choose some lower intensity demands such as the broken machine, air conditioning or scheduling, as they are the easiest for the boss to remedy and we can build support amongst others who need to "see" the union, if the boss refuses to give in.

Pick the most common of the demands mentioned earlier (likely to be the broken machine, scheduling or the Air Conditioning) and write it on the board.

Firstly, we will take the demand that we did the march on the boss for and form that into an actionable demand. So put the demand on the board, and brainstorm with the audience on how to form it.

Instead of saying something like "We want better schedules", form the demand to say what you want to be done by the boss or manager in order to fix the problem.

For Example:

- "We want schedules to be released two weeks in advance of the work week"
- "We want scheduling to be done by seniority"
- "We want to have at least 12 hours between shifts"

The reason we want to be clear is to avoid any confusion and to have a clear goal so that we know what victory will look like. If we just leave the demand as a simple "We want better schedules", it leaves the boss with too much leeway. We want a clear victory to show our fellow workers on the job that we can and will, win.

## Planning an action

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What makes a good direct action? Try to lead the participants to mention the following ten items, and write them on the board as they are mentioned:

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<b>Issue</b>	What exactly is the problem? E.g. a problem with next week's schedule, a pay cut, or the boss mistreating a fellow worker
<b>Demand</b>	What are you demanding that the boss do to fix the situation?
<b>Goal</b>	What is the desired outcome of the action? (note that winning the demand is not <i>always</i> the goal!)
<b>Target</b>	Who are you demanding to do something? E.g. boss, District Manager, Shift Supervisor

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<b>Tactic</b>	How will you make the target do what you want? E.g. a march on the boss, a work slowdown, or a phone zap
<b>Participants</b>	Your fellow workers who are participating in the action with you
<b>Witnesses</b>	Your fellow workers (and other bystanders, potentially) who are not directly participating in the action, but are watching it happen
<b>Results</b>	What happened as a result of your action. Did you win the demand? Did the boss give you the cold shoulder?
<b>Follow up (with coworkers and with the boss)</b>	After the action has taken place, following up with the participants and the witnesses to see how the action impacted them. Also, following up with the target to ensure that they keep any promises they made in response to your action.
<b>Escalation</b>	If the demand is not met as a result of your action, what steps will you take to increase the pressure on the target to meet the demand?

After all ten have been mentioned (or participants are finished brainstorming), run through the list and explain each one. Feel free to discuss each one as time allows.

## An Escalation Campaign

Explain that every action should be part of a plan to escalate until the demand is won.

### Brainstorm: Escalation



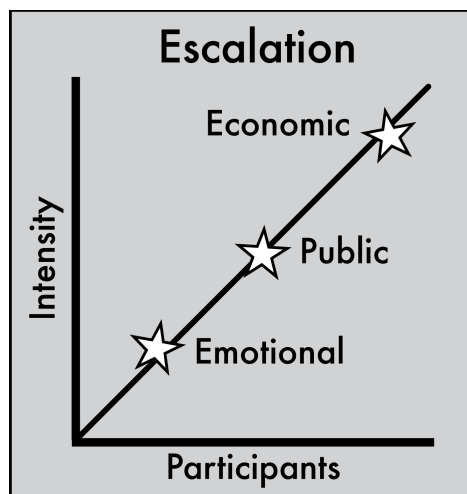
Take the demand from the section above and formulate a strategy designed to win. So with the audience, brainstorm a list of tactics. They can be everything from a march on the boss all the way to a strike.

A possible list could look something like this:

- March on the boss
- Strike
- Work to Rule (by using the bosses own rules for procedures and safety, we can slow things down)
- Picket Lines
- Flyering Actions
- Phone/Email Blast
- Postering around the neighborhood
- Petition to the boss

Once you have a healthy list, now comes the task of ordering each action in terms of escalation. So in terms of intensity/difficulty, number each action starting with '1' for least intense and ending with the most intense action (usually a strike). You might also be able to combine one or more of the listed actions into a bigger action (such as a march on the boss with a petition).

Draw the following graph on the board to illustrate:



## Roleplay: March on the Boss



Divide the participants into groups of five or six. Each group will plan a march on the boss around one of the issues collected in the previous section.

One trainer will play the role of the boss, and should leave the room while participants are discussing their plan. The other trainer(s) should go around the room and field any questions participants may have as they plan.

The first time around, give the participants only minimal guidance on how to do the action. The action will likely go very badly, as they will not know to divide up roles, etc. This will give them an opportunity to see the various ways that the boss will attempt to disarm a poorly-planned march. The trainer playing the boss should utilize tactics such as becoming emotional, passing the buck to a higher-up manager, and dividing and conquering.

After each group has gone once, debrief from the action. Have each group talk about what went well and what went poorly. The trainer that is playing the boss will leave the room again, and the groups will spend ~5 minutes planning a better march. This time, they will know to divide up roles, deliver a clear and concise demand, and exit gracefully if the boss does not cave.

Feel free to debrief again after the more successful march.

## Picking A Target: Strategic Organizing (Optional)

**Purpose:** This section is designed to be an hour of more workshop/discussion/brainstorm to get the participants thinking about how to strategically use this training and focus their organizing efforts, though it can be shortened for the purposes of this workshop.

When the "Organizing 101" training was developed the main need in the union was simply how to manage the basics of a campaign. What we realized though was that even with better organizing, the energy of the union was still largely spent unstrategically on campaigns that had little or no chances of success from the get go. The OTC also wanted to work to push branches from organizing single, small shops to organizing on more industrial levels that included multiple shops or larger industries in their area. We also found that organizing in small shops tended to lend itself towards an NLRB campaign, whereas broader organizing tended to lend itself more towards solidarity unionism.

For this section it helps to have a discussion with the group before the training. But it is not necessary. You might use this section to pump up the group, but most important it provides a way for the local group to learn from past mistakes and, more importantly, to begin the process of effective organizing in the future. But even if you (as a trainer) cannot speak from experience on all these topics and relate all these to your own organizing experiences, you can still lead this discussion.



It's helpful to start with a discussion of the promises and challenges of "hot shops": a workplace that is 'on fire', ready to organize, etc, but may only be agitated by a single issue (often a hated manager or new company policy), or a single employee. The problem with hot shops is that as quickly as they are "hot" they can go "cold." We don't want you to have to wait for contacts. We call this the "hot shop" syndrome.



What are the problems with "hot shops"?

- It is a passive strategy.  
You're waiting for workers to come to you. We want your branch to be active.
- It is unpredictable.  
Who knows when you will get a lead and what the quality of that lead



will be?

- It makes you rely on key individuals in a shop for your campaign. If something goes wrong or your organizer goes away, you could lose the campaign.
- Problems can arise before a union arrives. Workers go public before education/organizing takes place; leaders reveal themselves to bosses and get fired; organizing efforts are only based around one social group or department or even exclude others; the shop could only be interested in one issue and may go "cold" after this is resolved.

With a plan, you can avoid these precarious situations. When difficulties come up they happen within the context of a large project rather than being life or death issues for your drive. When you collectively come up with a strategy, you can solidify and declare a commitment to organizing.

We also want to position the IWW to initiate organizing drives that are larger than a single shop.



What are the problems with single shop organizing?

- Tendency to end up with the NLRB and workplace contractualism.
- The IWW needs to think bigger. When you pick a multi-shop target, you have more of a power base to demand larger concessions from the bosses.

## Brainstorm: What do we need to know?

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What do we want to know about an industry when determining our target?

- Is it an industry with low union density, or where other unions are not likely to compete for representation?
- If we can, we should avoid the hassle of trying to prove ourselves better than the business unions. We want to focus as much of our energy as possible on the task of organizing workers.
- Does the branch has the resources to effectively talk to the workers involved?  
Are their language or regional obstacles? Is the industry too big?
- Do we see some interesting issues to organize around?  
Before starting a drive, we want to have some confidence that our union has good things to offer the workers involved. Be aware of the issues ahead.
- Do we have an understanding of work involved?  
It will be tremendously helpful if the organizers initiating the campaign have had direct experience in the industry, as they will understand the work involved and relate to the workers.
- Is there an industry where the IWW has experience or success?  
This may mean that the union has resources and institutional knowledge

that can be called upon during your organizing.

- Is it possible to build the power necessary to respond to grievances and improve working conditions?  
Can your organizing build enough power to fight the bosses. A target that yields little bases for bargaining power may not be a strategic target.
- Will the campaign enrich the IWW more broadly?  
Does your target have strategic value to the whole union? Will you bring in diverse contacts or shops?
- What kinds of repercussions are you likely to face when organizing is public?  
How extreme, relatively speaking, will the backlash from the bosses be?  
Are you prepared to handle this?

# Evaluations And Trainer Report

## Evaluations

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We use evaluation of the trainings to help improve and fine tune our training program and receive constructive feedback on how the trainers are doing. After several years of developing the training through feedback and discussion, we feel the model is fairly solid and far more comprehensive than any training program in North America.

Before the end of the training, trainers should hand out the evaluation sheets (if participants do not already have them included in the handouts) and ask folks to take a few minutes to fill them out. Always be sure to schedule enough time for people to do them there. If they are not done AND collected at the workshop, we won't see them again. If someone leaves early it is recommended to ask them to fill out an evaluation.

People don't have to put their names, though they can if they want.

Evaluation time is a good point to gather contact information from people you want to keep in touch with (especially if you've identified them as key organizers or potential future trainers). It is also a good time to write your contact information on the board in case people want to follow up with a question or ask advice. If you are visiting the branch from out of town, provide participants with the contact information of the local branch secretary, delegates, and/or other organizers.

## Trainer Report

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It is very important that all trainers send in reports after a training wraps up. This helps the OTC improve the program and support for trainers, branches and membership. We are especially interested in any participants whom you think would make effective trainers and whom we can invite to Training for Trainers weekends.

We prefer that you submit your report online at [tinyurl.com/iwwtrainerreport](http://tinyurl.com/iwwtrainerreport). This helps us keep track of all reports, provides continuity between OTC terms, and helps compare responses to specific questions. If you prefer, however, you may type your answers into a document or send them by email to [otc@iww.org](mailto:otc@iww.org).

**Name of Trainers:**

**City of Training**

**Date of Training:**

**How many participants attended?**

**How was the attendance?** (Did people stay for the duration or did some leave early, come late, etc.?)

**What was the social makeup of the people present at the training?** (Who were they, what age groups, gender, race, occupation etc.)

How well prepared was the branch for the training in terms of food, logistics, etc.?

**How well was the material received?** Which sections was the group most/least responsive to? Was there a section of the training that you feel needed more/less time or emphasis? Do you have any suggestions for revisions to the 101 manual?

**What (if any) supplementary material did you use?** How was it received? How was the quality of the facilitator's notes?

**Did you have attendees fill out an evaluation after the training?** If yes, is there anything that stands out in the responses? If no, why not?

**Did you receive adequate support from the OTC to help you prepare for this training?** Why or why not?

**Did you identify any potential future trainers?** If yes, please list names and contact information and tell us a little about them and why you would recommend them.

**What do you see as the potential for this group doing future organizing or obstacles they may face?** What type of support might they need? Are there people you would identify as organizers that we should be staying in contact with? We will share this information with the Organizing Department Board.

# IWW Organizing 101 Trainer Evaluation

Date: \_\_\_\_\_

Location: \_\_\_\_\_

What did you learn?

What was most valuable to you? What parts did you get the most out of?

What could have been better?

Was there anything you think should have been given more or less time?

What feedback would you give for the trainers?

Additional comments:

# **Appendices**

## Appendix 1: Sample IWW Contact Sheet

IWW Contact Sheet		Committee
<b>Personal Info</b>		
Name: _____		
Cell Phone: _____ Home Phone: _____		
Address: _____ City: _____ ZIP: _____		
Email: _____		
M/F Race/Ethnicity: _____ Age: _____		
<b>Work Info</b>		
Company: _____ Type: _____		
Position: _____ Shift: _____		
<b>Organizing Info</b>		
Committee Contact: _____		
First contact date: _____ Assessment: 1 2 3 4 5		
Notes: _____		
Second contact date: _____ Assessment: 1 2 3 4 5		
Notes: _____		
Third contact date: _____ Assessment: 1 2 3 4 5		
Notes: _____		
<b>Assignments</b>		
Date: _____	Description: _____	Date Completed: _____
Date: _____	Description: _____	Date Completed: _____
Date: _____	Description: _____	Date Completed: _____
<b>Notes:</b>		

# Appendix 2: An Annotated Preamble

to the IWW Constitution

By Fellow Worker Tim Acott, Portland IU640-IWW, November 2003

## Introduction

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The Preamble of the Constitution of the IWW was adopted in 1905 at the founding convention of that organization, and has been changed but slightly in the ensuing years. It is the most elegant, concise and brilliant document I know. It is the basic text of the IWW to this day.

I'm a wobbly, and I approach the annotation of this mighty document with no small trepidation. It's a job that, perhaps, needs to be done. The language is a bit old-fashioned, though I wouldn't change a word. Nearly a century of struggle, and the interruption of working class traditions and oral history, have made it a bit less accessible to a modern reader than I think it needs and deserves to be. I embark upon this project with the deepest respect for the fellow workers who wrote and adopted the Preamble, and the thousands of wobblies that have lived by it, fighting the good fight and giving us so very much, from that day to this.

Being a wobbly is about just going right ahead and getting after it. If a job needs doing, we don't wait around for some expert to do it for us or to tell us how to do it. We working people can do anything to which we set our minds. In that spirit, I shall now attempt to clarify and explain the finest piece of writing I've ever read. The bold type is the Preamble itself.

## The working class and the employing class have nothing in common.

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Well, here we go already. I know this puts some people off. Notice, please, that it says, "the working class and the employing class." What it doesn't say, and doesn't mean to say, is that no member of the working class has anything in common with any member of the employing class. That would be pretty stupid. We, as individual human beings, have a lot in common. We all eat food, drink water, and breathe air. We all live and after a bit, we all die. We can even interbreed and have fertile children. We have more in common than horses and donkeys do. We have been known to slip, though rarely, from one class to the other. This motion is usually downwards, mind you, as the working class is growing and employing class is shrinking. Members of the two classes do have some things in common, as individuals.

What we, the workers, need and want is in absolute and diametric opposition to what the employers want and think they need. We want more pay for our time, shorter hours, less boring and repetitive work, less dangerous and unhealthy work, and most importantly, control of how we spend the hours and days and years of our short lives. More control over what goods we produce and what service we provide, and how these things are done. More control over the effects of this production on our health, on the health and safety of our neighborhoods and our homes, on this beautiful planet earth.



We want a safe and healthy place for the children to grow up (all the children, theirs as well as ours), and the possibility of a good, fulfilling life for them to lead. We, in short, want everything the employers need us not to have.

Our needs and wishes are simply bad for their business. The employers, as a class, need us to work longer, harder, faster, cheaper, with less safety rules, less pollution controls, and less say in the decision making process. What they really need is a vast army of slaves that don't have to be fed and taken care of. Super duper robots with all of our skills and knowledge, that can do all the work in the world, like we do, but require less maintenance and hassle. These units of labor need to be interchangeable and disposable. What we want and need is to be truly free and in control of our own lives, the resources, the machines, the decision making process — in short, the whole ball of wax.

There can be no peace so long as hunger and want are found among millions of working people and the few, who make up the employing class, have all the good things in life.

Like I said, it's nothing personal, but the two classes are just natural enemies. We're stuck in the middle of a war, the class war. That's not a figure of speech. It's a very real and ugly war with a body count that makes WWII look like a minor fender bender on a sunny Saturday afternoon. It's war, and we fight it every day, but our weapons aren't guns and bombs. Our weapons are education, organization, and the many and various methods of withholding our labor. We fight with our arms folded.



Between these two classes a struggle must go on until the workers of the world organize as a class, take possession of the earth and the machinery of production, and abolish the wage system.

It's not a war of our choosing. We were born to it, but we've damn sure got to fight it and get it over with. There's just no real choice. We can't walk away. There's nowhere to go. Year after year, they take away more of our lives, create more misery, kill and maim more of our fellow workers, destroy more of this beautiful planet. They'll never stop unless they are made to stop. They're insane.

Once again, I'm speaking of classes. The employing class is made. They take more and more and more. They destroy more and more and more. They do not consider the cost in life, in misery, in degradation, in pollution. They do not consider the future. They only consider profit. They do not consider the children, not even their own. They only consider how to amass more capital. They, as a class, are mad dogs. I don't say we must shoot them, but they must be stopped, and only the self-organized working class can wield a big enough hammer to do the job. That hammer is our organized and tactical withholding of labor, the many forms of direct action. We'll get to that soon.

We find that the centering of management of industries into fewer and fewer hands makes the trade unions unable to cope with the ever growing power of the employing class.

When they say “the trade unions” here they’re mostly talking about the official or business union federations and congresses, such as the AFL-CIO, CLC, TUC, etc. Let’s be clear about where we stand regarding the official union groupings. These union federations include a whole lot of fine union sisters and brothers, past and present; who have fought the good fight for us all many and many a time. We salute those fighting workers, those heroes of the class struggle. No wobbly has got a beef with a unionist that stands up for the working class. The IWW has had, however, a couple major beefs (beeves?) with official unions all along. These are differences of approach, of belief, on the most basic level. These unions were founded to represent the interests of a very small portion of the working class: the top of the heap, the white, male, native born, English speaking, skilled craftsmen, etc. It never meant to address the needs of the working class in general, but instead the aristocracy of labor. It was, and still partially is, organized along craft lines. In other words, according to the type of work one does. Thus, the railroad, or the post office, was and is, divided into many different craft unions. These unions generally do not cooperate with each other in their common struggles and with their common enemy, their common bosses.

The result of this bizarre organizing concept was and is union scabbing. One worker goes to work across the other worker’s picket line, with the blessings of their union. Weird, huh? How’s that going to force the boss to pony up with some better wages or safety conditions? In the past, the AFL, etc. went out of their way to scab on the IWW many many times and even joined forces with the bosses and government to scab against and punish IWW members. Every day, good union members are forced to dishonor the picket lines and struggles of their own. Curiously, the official union leaders accept capitalism and even believe that capitalism can work and that the working stiff, at least some of us, can get a fair deal, with some adjustment here and there. Wobblies have always known better.

Capitalism can’t be reformed, can’t be made to serve our interest. It’s got be replaced with a system of economic democracy, controlled directly by the workers, before the workers will ever really get a fair shake. Image: Black and white illustration. In the left foreground, a large group of people are gathered before two parallel bridges that span a river. On the other side of the river, in the right background, is a very high black wall with “STRIKE” written in huge white letters. Different ideas, different practice. In the long run, while we are in solidarity with working people everywhere, and with the rank and file members of any union, we’re bound to bump heads occasionally with union officials or anyone who thinks the boss is our pal. To wrap up, the IWW was founded by experienced, lifer unionists who were fed up with the existing labor unions and felt, based on their experience, that they needed to create a different sort of vehicle to serve the interests of the working class.





These conditions can be changed and the interest of the working class upheld only by an organization formed in such a way that all its members in any one industry, or in all industries if necessary, cease work whenever a strike or lockout is on in any department thereof, thus making an injury to one an injury to all.

So that's just what they did. They built a better form of union. It's democratic. It's built to be controlled by the membership and to guard against corruption and union bureaucracy. It's independent of any political party. It's an industrial union, meaning that every worker in one enterprise, from the cook to the bookkeeper to the janitor to the driver to whomever, is in the same union. The fact is that their collective interests are identical, and this simple home truth is reflected and reinforced structurally in the way the union is set up. The IWW is built to fight for the workers and for no one else. It's not made to support the government, nor the politicians, nor the career bureaucrats, nor the gangsters, nor any church, nor any national grouping or race or gender, nor, least of all, the bosses and employers and owners themselves. It's our fighting machine, designed to be controlled by us, the workers, alone. It's built for solidarity and democracy. It's built for struggle, for self defense, for mutual aid, for emancipation.

Instead of the conservative motto, "A fair day's wage for a fair day's work," we must inscribe on our banner the revolutionary watchword, "abolition of the wage system".

No use beating around the bush, fellow workers. We're here to fight for better wages and hours here and now, and we're here to change the very system that controls the economy. Political democracy without economic democracy is a lie, a sham, and a cruel joke. We're here to fight for better conditions now and for a better life in the future. No contradiction, it's the same fight.

It is the historic mission of the working class to do away with capitalism.

This sounds like some ancient prophecy, but really it's just common sense. There's nobody else to do the job. We've got to do it. Politics will always obey economics, never the other way around. Military power is just a reflection of economic power. The real power lies in the hands of the workers. That's the big secret. Tell your friends. Tell everybody. We make everything that gets made. We provide

every service. We do it all, and we can stop it all, just by folding our arms. The IWW is not about armed struggle. Armed struggle is simply not a big enough hammer to do the job. We hold the only power on earth great enough to defeat capitalism, and all we have to do is to get ourselves organized, and organized right. Then we can stop the madness and violence of the employing class, once and for all.

The army of production must be organized, not for the every-day struggle with capitalists, but also to carry on production when capitalism shall have been overthrown.

We have to organize ourselves to fight the good fight here and now, and as soon as possible, to fight the last battle against capitalism; and we have to hold the whole thing together while that battle rages and after it is won. We're going to replace the structure and organization of capitalism with the superior structure and order of real democracy, economic democracy, worker's democracy. With that structure in place we will carry on, as the new democracy grows and transforms our lives.

By organizing industrially we are forming the structure of the new society within the shell of the old.

And there it is. The short term is in harmony with the long term. What is needed to fight the class war is the same thing that's needed to build the new society. We don't know exactly what shape it will eventually take. How could we? We do know that it needs to be truly democratic, to be controlled by the huge majority of the human race, those who do the work. We know that it can be the end to war and famine and slavery and ecological destruction, because these things are against our interests. When we, the workers, run the economy, we will be running the whole show, in our common interest, for ourselves, the vast majority, in peace and harmony. Now, that is something worth working for, worth living for, worth fighting for, and it's, to my mind, quite possible. Won't you join us?

## Appendix 3: Educate Storytelling Exercise

This activity is meant to underline the importance of storytelling in our organizing. While we're having conversations with co-workers and are trying to move them through the Educate stage, we are asking lots of questions, trying to get them to imagine the possibility of affecting change on the issues they're agitated about. In addition to asking questions, telling stories of how other groups of workers were able to act in solidarity and win demands is a powerful tool in sparking our co-workers' imaginations and confidence. Telling effective organizing stories, however, is not easy. This activity exposes participants to different approaches to telling organizing stories, generates some guidelines for what makes an effective story, and provides an opportunity for practising our own stories.

### Materials required

- organizing stories (below), each on its own sheet (laminated or on card stock works best), for larger groups you may need two or three copies of each story
- whiteboard and markers or some equivalent
- paper and pens for participants

### 1. Introduction

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To introduce this activity, lead a brief discussion on the importance of storytelling in our organizing work by offering some examples of stories that have made their way around the union and inspired people to start or keep up the fight. Feel free to use your own examples or the one offered below.

Have you heard the story about the starbucks ladder? (If someone has, get them to tell it) There was a shop where some wobblies were organizing and the place where they stored their extra supplies was really unsafe. The workers had to climb on counters and piled up boxes to get to the stuff they needed, and they kept injuring themselves or worrying about getting injured. They had asked the manager for a step ladder a number of times but noothing materialised. When they were ready to make the fact that they'd been organizing known to the boss, they bought a ladder with union funds and plastered it with IWW stickers. The very next day the manager had replaced their ladder with a new one.

This is a pretty famous story among wobblies and there are hundreds more like it. When we're organizing to make some change at our workplaces, stories like this are an incredibly useful tool. They help us inspire and build confidence and trust with our coworkers and can get us through fearful and tough times. In this next module we're going to look more closely at stories and how we can use them most effectively in our organizing.

## 2. Read stories aloud

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Decide on some way of reading the stories provided aloud. Keep in mind some people feel uncomfortable reading in a group, so you might want to ask for volunteers, ask some participants prior to the activity and give them the material in advance, or some other method that encourages participation while not pushing participants too far out of their comfort zone.

Allow some reaction to the stories, perhaps by asking 'how did that make you feel?' but don't get bogged down in clarifying questions or other lengthy discussions. Read all the stories before moving on.

## 3. Story debrief

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Lead a discussion reflecting on the stories. Try to focus attention on the emotional impact of the stories as opposed to their specific content or information. Guiding questions could include:

- How did these stories make you feel?
- Did they all inspire you to organize?
- Did one stick out for any reason?
- Was there one story that stood out as having the most impact on you? Why?
- Was there one story that stood out as having a negative impact on you? Why?

## 4. Dissect a bad story

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Have the group agree (by voting if necessary) on which story they thought was the worst, or least effective. Lead a discussion on why it failed.

- What was lacking?
- Was there too much of something?
- What main emotion did this story provoke?
- Was the failure of the story because of the events it's referring to, or do you think there is a way to tell the same story but with a different emotional impact? (i.e. If it was boring, confusing, or scary were the events boring, confusing, or scary or just the way it's told?)

## 5. Dissect the best story

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Have the group decide (by voting if necessary) on which story they thought was the best and most effective. Lead a discussion on why it was successful.

- What stood out in the story?
- Was it memorable?
- Could you imagine yourself in a similar situation?
- Do you think that the story was successful because the events it's referring to were successful? Could you think of a way to tell this story that would be less inspiring or effective?
- Do you think it's important to get all the facts straight?

## 6. Guidelines for good stories

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Drawing from the previous discussion, solicit some guidelines for what makes organizing stories successful. As suggestions are offered, write them on the board. If there's time, you might consider having the group prioritize the guidelines.

It's important that the guidelines come from the ideas of the group so they take some ownership over them instead of coming across as a recipe or formula that has right answers that they're simply guessing at. Encourage discussion and debate if there is disagreement on certain criteria. Some ideas could be:

- inspires confidence
- shows the power of workers
- believable
- generates strong emotional response
- short, concise
- tells of an action that was successful
- shows lessons that were learned
- shows collective action at work

## 7. Improving ineffective stories

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Break participants into small groups and hand out all the stories except the one agreed on as the best as well as paper and pens. (For larger groups you may need two or three copies of each. If you're looking for an opportunity for individual work within the context of a larger workshop they may work on this part on their own.) Have the groups attempt to improve the stories based on the guidelines they came up with. Let them know they may alter the 'facts' of the story slightly - i.e. they don't have to be slaves to the details provided—but that they shouldn't add or change too much as to render the stories unrecognizable. Mingle with the groups and encourage those resistant or having trouble to try and engage as best they can.

When most groups have finished, pair the small groups up and have them read their improved versions to another group. If you have a small group, have each participant present to the large group. To debrief, have everyone come back to the large group and ask for a couple of volunteers to read theirs. Lead a discussion on how they found this part of the activity—was it harder/easier than they thought, what were some obstacles or aspects they enjoyed, etc.

## 8. (Optional) Write your own story

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This last part encourages participants to draw from their organizing experience or from experiences of others to write and practice telling their own organizing story. The emphasis here shouldn't be on proper grammar or making it a work of art; the written stories are simply a way of slowing down normal conversation to be more intentional and thoughtful.

This may or may not be feasible within the context of a larger workshop. If there is time, you might have them work individually then share their stories in small groups. If there are groups of people with similar experiences you might have them work collectively and share with the larger group. Or you might want to set this up as a 'homework' assignment—if you are willing and able to do the

necessary follow-up—where they send you a story within a week or two as a way of encouraging continuing engagement with these concepts and to facilitate informal mentorship outside a formal educational setting.



## Story versions

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*The stories provided in these notes are meant to feel most relevant to workers within a particular—education, libraries, and the public service more generally. If you have a group who are predominantly workers in a very different industry or job type, you might want to think about writing new stories that are geared towards their experience but reflect similar storytelling biases. If you do draft new stories, please send them to [rhaedwards@gmail.com](mailto:rhaedwards@gmail.com) so I can add them to the facilitator notes and make this workshop more broadly relevant.*

### Story #1

Last year, I think it was in April or May, daycare workers were frustrated with decisions being made by management about staffing and safety equipment. One time a child was throwing a tantrum and had to be taken out of the room but the worker who was with the child couldn't call for help. Management kept saying that we had too many people and that budget restrictions meant that they couldn't pay for anything we asked for. I don't understand how they could say we had enough people when we could never even take our breaks. They were also going to fire one very dedicated worker because they said we didn't need her. The worker who they were going to fire was getting married that July and she was really worried about being able to pay for the wedding. Anyway, one lunch a few of us were talking and everybody had different problems but we decided that we'd go talk to our manager on Tuesday. On Tuesday afternoon he wasn't there, so we had to wait until Thursday when we could finally get him in his office. I got stuck in traffic and almost missed the meeting! So I had to sneak in the back, and I heard my friend telling the story about the time when one little boy got injured on the playground, and she was doing a great job. She was practically yelling at my boss and it really seemed to scare him. First he said he wouldn't give us anything we had asked for. But then he seemed to realize that we were going to make a big issue out of this so he started to back track. In the end he gave us \$6000 for safety equipment and a promise that he would look into many of the concerns we had. Also he didn't fire anyone. We used the money to buy walkie-talkies and first aid kits. I was really proud of my coworkers and the fact that we all stood together.

### Story #2

I'm a teacher and have a good friend at work who is a really great teacher too. But last year she had a really terrible kid in her class who would keep meticulous track of what she was doing in her classroom at what times, then report to her mother. Her mother would then call the school's principal, who wouldn't ever stand up for my friend. The situation was really stressing my friend out so I decided to help her. I thought, how can I prevent this student from keeping tabs on my friend? I realized that the student needed to be looking at the clock, so I thought, 'why don't I just break the clock?' It was a really great idea. I got another friend to help me go into the classroom during a break and I climbed up on a table and took the batteries out of the clock.

While I was up there I nearly fell down, but it's a good thing I have such good balance. I was pretty nervous the principal would catch me, but I thought it was worth the risk. Anyway, this great idea worked like a charm! The student couldn't keep tabs on my friend and the mother stopped calling to complain. Even though it was a big risk for me to take, I was happy that I could help my friend.

### Story #3

A few years ago my friends and I were working at a coffee shop. The conditions were terrible but we all really needed the job. All three of us were barely making rent and always scared that we wouldn't be able to get by on our low wages and tips. Eventually, things got so bad, we decided that we had to do something about it. We fought hard with the management, even demanding back pay for overtime wages we deserved, and for a while it seemed like we were really winning. One day, management decided that they had enough. They fired my friends and I, and even some staff who weren't involved in our campaign. I felt terrible for getting my friends fired since we all were relying on the money from that job. We called a hotline for employment standards and they said there was nothing we could really do, since none of us were past our probation. It really sucked.

### Story #4

One of the problems I used to have at a school I worked at, was that there were never enough supervisors on the playground. We had tried to talk to the principal reasonably about getting more supervisors, but he refused and said there was no money in the budget. Kids were getting hurt on the playground and parents were complaining to the teachers that they didn't feel recess time was safe. We called a meeting of the teachers and discussed way that we could force the principal to put better supervision on the playground. One teacher suggested that we use the school intercom to anonymously announce that there were no supervisors on a particular playground. That way, parents who lived close to the school could hear the announcements and it would embarrass the principal into doing something about it. Everyone agreed to trying the announcement strategy. We decided that if it didn't work, we would meet again and think of a different way to force the issue. When we actually carried out our plan, it had an unintended consequence because parents got so angry they started calling the school and bothering our principal constantly. He was pretty upset with us and called a staff meeting to discipline us, but no one would reveal who had been making the announcements. It only took a couple of days for them to put more supervisors on the playground and we were so proud that we had finally made the playground safer for our kids.

### Story #5

There have been all kinds of attacks on library workers recently in Ontario. The most prominent situation, though, has got to be the Toronto Public Library Workers Union (TPLWU) strike. It all started when the new mayor, Rob Ford, was elected and immediately threatened to privatize every city service that he could get away with. The TPLWU immediately fought back by setting up a blog to give constant updates on the situation. They also reached out to several prominent Ontario-based writers such as Margaret Atwood who could stand up and be heard. They mobilized their own membership to get involved in the public relations campaign and got lots of members of the public to speak out.

Eventually Ford backed down from any threats to down-size or privatize the library system but he was still on the offensive against the union in contract negotiations. But because the union was already mobilized and ready to fight, they didn't cave and went on strike. Now they're out on the picket lines everyday and holding really cool events like public read-ins at closed library sites. They have all kinds of support and their morale is very high. I think that Rob Ford is going to lose this one, again.

It's so awesome that the TPLWU could pull that off, but nothing like that would ever happen here. People just don't care in Alberta. For one thing, the unions would just back down from any kind of

fight, and the union members don't even care about their unions! Most would probably rather get rid of the unions. And forget about the public! Alberta is full of right-wing rednecks who don't care about other workers; they're just looking out for number one. But even if a library union did try to mobilize and fight back, it's not like they could get Margaret Atwood out to help. All of that kind of media spotlight is in Ontario and there's no way that that much pressure could be generated in Alberta. Still, it's pretty awesome what they can do in Toronto.

## Appendix 4: Captive Audience Meeting Roleplay

Captive audience meetings are a common tactic in the bosses' anti-union campaign. By preparing for them, we can inoculate our own organizers to them, and prepare them to inoculate their coworkers, and develop an effective defense against them.



We are going to take a short break, and when you come back, we will be roleplaying a mandatory employee meeting at your shop (trainer can customize to fit the industries that training participants work in). See you in 15 minutes.

(Or, you may choose not to introduce this roleplay, just jump right into it.)

After participants leave the room, trainers rearrange chairs into one row of two, facing forward, and dim the lights. One trainer will play a senior manager or owner of the company, the other will play the shop-level manager. Trainers pull one worker aside and ask them to be a scissorbill, a pro-boss worker, in the roleplay. As break is ending, the shop manager gets in character and begins asking workers to come in to the meeting. Trainers can tailor scenario and anti-union speech to the industries represented by training participants. Some participants may have unrealistic reactions to the captive. Stress to participants to act like they would if they were afraid of losing their jobs.

### Sample script

**Manager:** Alright, come on in ladies and gentlemen, our meeting will start in just a minute here. Good to see you, sorry we had to get you here so early. Have a cup of coffee and a doughnut. We have a very special guest for your here today. Thanks, take a seat. [addressing seated workers] Welcome everyone, it's so good to see you this morning. Sorry we had to bring you here so early, but we wanted to find a time when everyone could be here, so we have to meet before the shop opens. We have a very special guest here tonight, I'm sure you all know Mike Mulligan, the company founder. Please give him your undivided attention, he's a very busy man and took time out of his day to be here with us to give you some very important information.

**Owner:** Thank you, it's good to see all of you. I see a few familiar faces, and plan to get to know all of you in the coming weeks. Some of you have been members of our team for years now, others of you have just come on board, but we're all a team here at Miklin Enterprises. For those of you who don't know me, my name is Mike Mulligan, you can call me Mike, and I started this company with my son Rob a decade ago. We've been very blessed by success, and have been able to grow from one store with 15 employees, to now 20 stores with over 200 team members. We are so happy we have been able to provide jobs for all of you, and plan to share our success with you as we continue to grow. One of the reasons I am here today is to announce that we plan on opening three stores in the

coming year. We will need management staff for all of them, and are looking to promote from within. All of our current managers started out as delivery drivers and sandwich makers, just like yourselves. They worked hard, and their hard work has paid off. If you have what it takes, there could be a place as a supervisor or store manager for you as well. We want to continue sharing our success with you as we grow.

As I said, we have been blessed that we have been as successful as we have been. However, I will be totally honest with you- we aren't perfect. We're human, and we're learning. If you ever have any concerns or issues, you can come straight to me, your manager, or one of our District Managers. We have an open door policy and will do whatever possible to resolve any issues that may arise for our team members. Now, I'm not a professional business owner, and we are learning as we go along, so there have been a couple bumps in the road lately that.... to be frank... could jeopardize our little company. And that's why I'm here today. First, I want to apologize that I have not yet had the chance to meet each and every one of you. With the new store construction I've been a little sidetracked. But from here on out, I want you to know that I am here for you. Now... I spoke of a challenge our little company is facing. Here is where I need your help. We have received word that members of an organization calling itself the Industrial Workers of the World has been initiating contact with some of you. A number of you have complained about being harassed by members of this group. As background, the Industrial Workers of the World sometimes calls itself a union. They are not a real union. They are a radical organization, mostly made up of student activists, that calls for the overthrow of capitalism, the American economic system, and advocates 'class war' against small businesses like ours. They advocate violence and sabotage. They sometimes call themselves the IWW Jimmy John's Workers Union, but don't be fooled. There is no union at Jimmy John's, you don't have to pay dues to work here. The IWW wants to come between us, make you pay dues, fines, and assessments to them, and speak on your behalf to advance their socialist anarchist agenda.

In the coming weeks, they may ask you to sign something called an authorization card. What they won't tell you is that these are legally binding documents. Once you sign an authorization card, you sign away your right to speak for yourself, and authorize the socialist anarchist radicals in the IWW to speak for you. If a union pusher tells you that a card is just to get more information or to come to a meeting, don't believe them. They are only interested in taking away your voice and getting authorization to deduct union dues, fines, and assessment from your paycheck. Union dues are usually around \$40/month. Think about it- could you afford \$40 a month to support a union?

The reason that the IWW wants your money is that their organization is broke. Last year, they were audited by the Department of Labor because they lost \$40,000, which is half of their annual budget of \$80,000. They have no contracts anywhere in the United States, and have been in decline for the last 80 years. I would think very carefully before you give them your hard-earned money.

Now, I want to be clear, I am not anti-union, but these jokers are not a union. They are a fringe radical group that is seeking to live off dues, fines, and assessments collected from hard-working people like you. I know that life isn't easy. But hard work will pay off. I want to tell you a little more about myself. I was born on a farm in 1954 in Eau Claire, WI. My mom and dad worked hard and saved up enough money to send me to college. I worked by way through school making \$2.13 an hour in a box factory. When I graduated, I went to work for SuperValu. I stayed with SuperValu for 27 years, and was lucky enough to work my way up, through hard work, just like you. I retired ten years ago, and used my life savings to buy this little business. I didn't do it for money. I did it for two reasons. Number one, for my son Rob. I have seen the joy that going into business together has brought other families, and I wanted to bring that joy into Linda, Rob, and my family. I also know that the economy isn't the best, and wanted to do what I could do provide jobs. There are so many

people out of work right now, and many business leaders are not investing. Investing is always a risk, but when I thought about what a job would mean for someone who was struggling with unemployment, I decided it was a risk worth taking. We need jobs in this country and I wanted to do my part.

Now... I want to be totally clear. We are absolutely opposed to the IWW's anarchist agenda. If I sound like I am overreacting, let me explain that if the IWW intimidates or tricks enough workers here to sign authorization cards, everything we have built together, and the future we have, could collapse. For reasons I do not understand, the IWW is out to destroy Jimmy John's and the 200 jobs we have created. You might think I am exaggerating, but look at the auto industry. And this group is 100 times worse than any of those unions. If any union pusher calls you, knocks on your door, or harasses you outside our stores, you have the right to tell them to leave you alone, report them to management, and call the police. We will not tolerate harassment of our people.

We will get through this. There is opportunity for everyone here at Jimmy John's as we grow. I just ask for your patience as we get through this ordeal. And please, again, come to me directly if you have any concerns or questions. Thank you.

**Manager:** OK, thank you so much Mike for warning us about this situation. I want to take a minute to say a few things as well. I owe all of you an apology. Over the past few months, I haven't been there for you the way I should have. I know I messed up. It's not excusable, but I want to promise to you that I will be fully present and here for you from this day out. To explain, in the last two months my father was diagnosed with cancer. Mike has been so generous and granted me time off work to care for him, but I have fallen behind in my duties as a manager. I have my personal life under control now, and I will be available 24/7 to take care of you and the store. I'm not asking for forgiveness, but I would like to ask you to give me a second chance. I know we can make this store a success.

Now, we need to open in 20 minutes, so the meeting is over. We will be following up with each of you individually this coming week. Thanks again for your time, please take another doughnut for the road. See you all this week.

#End roleplay

The roleplay can be modified by adding an anti-union lawyer to discuss contracts, authorization cards, or labor law more. However, better union-busting campaigns will use a senior manager or owner to address the workers as a paternalistic figure, rather than bringing in an outsider. If workers talk back, the manager or consultant can take down names, or even kick people out. You can prompt a volunteer to raise a ruckus and get thrown out. After the roleplay, reflect on the experience with the group.

## Brainstorm: Debrief after the meeting

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- How did that feel?
- How do you think a coworker who had not been inoculated would feel about the IWW after that meeting?
- What were the main messages the bosses were sending?
- What did they say about the IWW that was true?
- What was a lie?
- How was the room set up?
- How can you effectively deal with captive audience meetings?



Closing Remarks: It is critical to inoculate workers to captive meetings. You can even do this roleplay with your coworkers. Whether you decide to confront the bosses' lies or to just lay low and follow up with coworkers later, the key is to think about how your actions will be received by coworkers.

## Appendix 5: Activities For Branches After A 101

These are to be used by branches (especially newer branches, or branches that are looking to move into organizing) after folks have gone through an Organizing 101 to reinforce the concepts.

The roleplays and activities are meant to be flexible. Some of them suggest a certain number of participants; some are for the whole committee. You can shuffle these around as is useful to you. Two or three people can do a roleplay in front of the whole group so that everyone can share in a discussion of how things went and learn collectively. Or everyone can break into groups and work through the same role play at the same time, then come back to do a report back about how it went in each one.

You might want to incorporate practice of organizing methods into the structure of you Organizing Committee meetings, or GMBs if you don't have OCs yet. A suggested method would be to focus on one scenario per meeting. Between running them and discussing afterward they will probably take about half an hour each.

### General Reading

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*Weakening the Dam*, by Twin Cities GMB <http://libcom.org/book/export/html/36411>

### Contains notes and activities for:

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- |   |   |
|---|---|
| ➤ About the IWW                         | ➤ Agitate & educate                               |
| ➤ Contact lists                         | ➤ Inoculate                                       |
| ➤ Workplace mapping and social charting | ➤ Organize and the Union makes us strong, or Push |

### About the IWW

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- The IWW is a grassroots, democratic union
- We are anti-capitalist, because we don't think having the "right people" in positions of economic authority changes the conflict of interest
- We place emphasis on direct action and solidarity

### Materials

Annotated preamble:

<http://torontoiww.wordpress.com/member-resources/>



One Big Union pamphlet:

<http://iww.ca/wp-content/uploads/2011/09/2010OBU.pdf>

Rusty's Rules of Order:

<http://torontoiww.wordpress.com/member-resources/>

## Activities

- Each member must explain the preamble to a friend or family member, then report back as to how it went. What problems did you face? How did you related concepts to their lives?

## Role play scenarios

- You are at a May Day event staffing a table about the IWW. A highschool student approaches the table and asks you what sort of workers the IWW represents. What do you tell them?
- You have been working at a coffee shop for the past two years. Recently, a branch of the IWW formed locally and you joined up. You have had a few one-on-ones with coworkers, some of whom are friendly to the idea of unionization. One of them is really enthusiastic because their mother once organized her library. This person assumes the campaign will be based around card-signing. You know that the shop is too small for any mainstream union to be interested and that the IWW is interested primarily in Solidarity and Direct Action unionism. Explain to the worker the benefits of this strategy.
- This is best for groups for about 5 people. Your workplace committee is having it's first meeting. You have had one on ones with everyone present and everyone is on board with the idea that collective action is the way to address their issues. One or two of the workers present are already wobblies and have to explain how to run a meeting democratically using Rusty's Rules of Order.

## Contact lists

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- A contact list should be as complete as possible before we start any further organizing
- Contact information will be much more difficult to obtain once polarization occurs
- By any means necessary
- Be creative

Materials: Sample contact sheet (Appendix 1 of the Trainer's Manual)

## Activities

- Go around the room in your group and talk about how each individual could obtain a contact list for their particular workplace. Sometimes this will be easy. Where it is not, the whole group can discuss strategies for how to do this efficiently.
- Select one or more workplaces from the group and create role plays where organizers obtain contact information.

- Each worker creates a contact sheet for their particular workplace. What are the most important pieces of information you want to know about every single worker? How are you going to find these things out? Create a plan for your workplace.

## Workplace Mapping & Social Charting

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- We use charts and maps to help us think strategically about our workplace
- Every worker who comes into the campaign needs to learn this so they can start thinking like an organizer

## Activities

- Complete charts and maps for branch members' workplaces. Can do in pairs, small groups or with the full group. (Have lots of coloured pens on hand.)
- Roleplay: You are an IWW organizer helping a worker to learn social mapping and charting in their workplace. Explain to them the importance of this step and help them to complete and chart and/or map.
- After completing a chart, discuss the question, "How does information move through this workplace?" Can do as a group or with a partner.

## Agitate & Educate

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- Get the worker to tell you what their issues are at work, and *why* this issue is important to them.
- The experience of sharing the emotional content is very important.
- Agitation can be used to beat apathy and fear
- Remember that an organizer talks 20% of the time and listens 80%

## Materials

Worker's Power Archives: <http://forworkerspower.blogspot.ca/>

## Sample roleplay scenarios

- You are a teaching assistant at a university. You are already in a business union but have decided to begin organizing an inside committee on wobbly principals. You have organized your first on-on-one with a TA from another department. Find out what their issues are, and if you can, use questions and stories about collective action to help them see that a union is the solution.
- You are a member of your local GMB. A friend of your roommate who works at a bar was complaining about their job to you at a party. You were talking about the IWW and the benefits of a union. They liked the idea so you set up a meeting at a coffeeshop the following week. Find out what the issues are for this worker and educate them about collective action, unions and the IWW. (Have a look through Worker's Power in advance if you are having trouble.) You may have two organizers for this meeting.

- You are a worker at an inbound call centre. You joined the IWW about 3 months ago after a long-time wobbly you met in the smoking section at work got you so angry about the way you were being treated you decided to do something about it. About two weeks ago you attended an Organizing 101 the GMB put on. The wobbly who originally signed you up is becoming discouraged by the slow progress of the organizing campaign. You have set up a one-on-one with them to help them regain their passion.

## Inoculate

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- Talk about backlash to worker solidarity and direct action
- Draw out what fears this particular worker has and address them
- Alert the worker to likely consequences of organizing which they may not have thought of
- Make sure to be upfront regarding the IWW

## Sample roleplay scenarios

- You are a committee of workers organizing at a privately-owned retirement home. Your group consists of Personal Support Workers, nurses and cleaners. The nurses are members of one business union. The food service workers and cleaners are in a different one. You are planning your first action, which will address understaffing of cleaners, which affects all workers. Discuss as a committee what are some likely responses from your boss and each of the unions.
- You are a prep cook at a chain restaurant. Almost the whole kitchen staff is united against a certain manager who flips between being friendly and hostile at no notice. He is also overtly racist towards Vietnamese people, who make up about a quarter of the staff. Rumours circulate that he has been abusive towards his girlfriends and female staff do their best to avoid him because he is "creepy." You are having a one-on-one with a co-worker after their first committee meeting where it was decided that next time the manager behaves inappropriately, all work in the kitchen would stop and he would be asked to apologize. Talk to the worker about what might happen as a result of this. Remember to include both the immediate reaction of the manger and also what the ownership of the restaurant might do once they find out what happened.
- You are in the middle of your first one-on-one with a coworker. Out of nowhere they ask you if you are a union organizer, because they have participated in a drive before, although they failed to get enough signatures and the worker was ultimately fired. Discuss with them and introduce the IWW.

## Organize & The Union makes us strong or Push

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- Workers take on tasks to increase ownership in the campaign, build skills and confidence
- It is important to choose the right task for the right worker. We want them to succeed.
- The task must be specific and include when they will report back to you or a committee.
- Follow-up is important, it helps the worker know their contribution is valuable, and lets you assess their abilities and commitments.

- Workers will very often not do what they say they will. We have to gently hold one another accountable by getting past excuses to the real reason, and helping them to solve this problem.

## Sample roleplay scenarios

- You are an electrician working for the school board. Your jobsite changes every day within a certain area depending where work needs to get done. You have decided to start organizing and have been talking to maintenance staff in several of the schools you work at. You don't know any of the other workers at the school, such as admin, teaching, food service. You are discussing with two caretakers at a certain school how to bring in workers from other departments. Between the three of you, collaborate to decide upon a plan of how to do this and assign tasks.
- You have been a dancer at a strip bar for about three months. For the past few weeks, you have been talking union to your co-workers, often going for pizza after work and agitating them. Your GMB put on an Intro to the IWW workshop and social that three of co-workers said they would attend. Part of the reason the GMB put on the event was so these workers could meet some other wobblies in a relaxed setting. You were extremely disappointed when none of them showed up. One of them texted you half an hour in to apologize but offered no explanation. With your outside committee, plan what you will do as follow-up. Then roleplay the follow-up with one or more of the workers

# Appendix 6: Putting Together A Training

## What Branches and Trainers Need to Know

### Purpose

The checklist aims to keep branches and trainers on task, prevent disorganized trainings, improve turnout, and clarify the roles and responsibilities of trainers and local IWW groups.

Organizers should plan on a two-day training, typically run over a weekend. Saturdays usually start around 9:00 AM and end by 5:00 PM. Sundays may be shorter, from 10:00 AM to 4:00 PM. Planners should allocate time for breakfast and settling in, a 45 minute lunch on schedule, and a short break in the afternoon.

### Suggestions:

- Follow through
- Stay in regular contact with branch and OTC (we're here to help!)
- On finances, put it in writing or email
- Planning: Failing to plan is planning to fail!

## Finances

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Branches are responsible for all logistics costs of the training: space rental, food, printing, etc.

The OTC may assist with funding the travel of trainers. Branches pay based on their ability, but are typically asked to pay for at least half. This will be negotiated between the OTC, branch/group, and if needed GHQ. The agreement should be confirmed in writing, such as an email, to avoid future confusion.

## Branch responsibilities

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### Communicate with the OTC

It's important to let the OTC know you're planning a training, even if it's being run in-house and with local trainers. The OTC often gets requests from members asking if there are trainings happening in their region, and if we don't know about your training we can't help these fellow workers. In addition, the OTC is accountable to the membership for the training program and it's hard to be accurate in our reports if we don't know about in-house trainings.

## Publicity

The Organizer Training Program began as a training meant primarily for IWW members, but has grown to be something that many non-members attend as well. When you're planning your training, consider who you will advertise to and how you will advertise. If your training is aimed at a specific group of workers from one industry or at the broad activist scene will impact how and where you advertise the training. In any case, person-to-person contact is the best way to ensure commitment from participants.

## Registration

Registration is an important, if often overlooked, part of a successful training. Having a good idea of numbers and some information about the participants helps you plan for food and helps the trainer prepare for the size of the crowd. A Facebook RSVP does not count as a confirmation of attendance. You may want to advertise the dates of the training broadly, including on social media, but it is recommended to only provide the location and time details to those who register. Having people register in advance also allows you to emphasize the importance of attending both days, as some are hesitant to commit an entire weekend.

## Space

Consider your choice of location carefully, keeping in mind cost, facilities, location, and your target group of workers. For example, would a training for education workers at a college make it uncomfortable for that college's workers to attend (fear of retaliation from union or boss)? Are infoshops and activists spaces inviting spaces for folks who haven't been involved in the movement? Book your space as far in advance as possible.

## Food

It's recommended to provide breakfast and lunch on both days of the training. This way everyone can be sure to be well fed and caffeinated and no time is wasted getting to and from somewhere for lunch.

- Breakfast: Usually a light meal, such as bagels, spreads, and fruit. Allow 30 minutes for participants and trainers to have some breakfast. Coffee and tea should be ready well before the first participants arrive. The training will not start on time if the coffee is late arriving or brewing.
- Lunch: You may decide to prepare a lunch yourselves or cater. Keep in mind the dietary requirements of your guests, cost, and volunteer time available when making this choice. Allow 45-60 minutes for lunch.

## Housing

If the trainer(s) or any participants are coming in from out of town, the host branch is responsible for finding them billets and helping them get around town so they can get to the training on time. For each person from out of town, the branch should ask about their arrival date, departure date, method of travel (flight numbers included), and any special requests (no cats, no-smoking, whatever).

## Supplies

Communicate with the trainer about what supplies they need, and know in advance what facilities the space you're using has. The trainer will need something to write on (black/whiteboard, butcher paper, flip charts) and write with (chalk, markers). Some extra pens and paper are a good idea to have around as well.

## Childcare

Depending on the participants you are trying to attract to the training, you may want to consider offering childcare. Advance registration is necessary if you decide to offer childcare.

## Print participant package

The trainer(s) should email you a package that all participants should receive. Arrange to have enough packages printed and available for the first day of training. Advance registration helps to know numbers for printing.

## Follow-up with participants

The point of the training is to get people organizing their workplaces. But new organizers need a lot of support, so have a conversation in your branch before the training about how you plan to support the organizers who try to put the ideas of the training into practice.

## Trainer Responsibilities

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### Tell the OTC about upcoming trainings

It's important to let the OTC know you've committed to facilitating a training, even if it's being run in-house and with local trainers. The OTC often gets requests from members asking if there are trainings happening in their region, and if we don't know about your training we can't help these fellow workers. In addition, the OTC is accountable to the membership for the training program and it's hard to be accurate in our reports if we don't know about in-house trainings.

### Make yourself available for trainings

It's important for trainers to keep giving trainings whenever possible in order to keep the material fresh and your confidence up. Stay connected to the OTC via the otc email list and volunteer for any advertised trainings you're available to facilitate.

### Communicate with branch

Find out who the training is for. Is it only for IWWs or is it for an industrial union campaign? Is it for a hot shop and local branch? Is it for activists? As much as possible, the audience should know.

Make sure you touch base with the branch about daily schedule (start/end times, how long and when to break for lunch).

Send branch participant package for printing as much in advance as possible.

## Prepare for training

Review your manual and notes, make sure you have all your materials ready, and get a good sleep the night before. Make a plan with your co-trainer about how to split up the material and how to support each other throughout the training.

## OTC Responsibilities

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Keep IWW membership posted (through the GOB) about upcoming trainings. Communicate with GHQ about any requests for trainings they receive.

Connect branches requesting trainings with trainers, keeping in mind availability, trainer experience, and giving all trainers a chance. In order to confirm trainers, you may contact some trainers directly and/or advertise to all trainers via OTC list.

Communicate with branches and trainers about their requests and responsibilities.

## Suggested Timeline

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### Three months before the training

- Tell the OTC about the training
- Cost arrangements are agreed upon and email is sent to OTC and local IWW contact or Branch Secretary detailing such
- Days and times are set

### Two months

- Space has been reserved
- Branch is publicizing event and registration has been set up

### One month or more

- Trainer is prepared to go and the branch has communicated any special needs they have (such as an industry or campaign focus)
- Trainer(s) should book travel no later than 28 days before the training
- Branch makes plan for food, housing, supplies, and childcare

### Two weeks

- Branch has closed registration and has confirmed numbers and arrangements for food, housing, supplies, and childcare

### One week

- Trainer should check-in with branch and make sure that all is set up or prepped. Trainer should also get a sense of what kind of workers will be there
- Trainer has notes ready and has reviewed them, keeping in mind the audience



- Branch has printed participant packages

#### Day of training

- Coffee and tea are ready early, breakfast is provided
- Start on time and end on time!
- Make sure writing space is available such as chalkboard, butcher or paper, giant stickies
- Ensure that lunch is arranged so that it does not disrupt the training. It is usually best if it is served at or delivered to the training site
- Handouts, writing paper, and pens for participants are available
- Have evaluations and have folks fill them out

#### Post Training

- Trainer submits evaluations and Trainer's Report form to the OTC
- Trainer follows up with the branch three months after training
- Branch makes efforts to support any organizing the training has inspired

## Appendix 7: Inoculation Materials

The next 12 pages are real materials given out in workplaces where the IWW was organizing, by bosses to workers. These should be printed by the host branch but not given out until you are ready for them.

(These pages are not counted in the page numbering of the manual.)

# VOTE NO ON OCTOBER 22<sup>nd</sup>

AND HERE IS WHY...

1. WOBBLIES BELIEVE EMPLOYERS ARE THE ENEMY. WE BELIEVE IN WORKING TOGETHER AS A TEAM.
2. WOBBLIES WANT TO ABOLISH CAPITALISM. WE'RE PROUD TO BE AMERICAN!
3. WOBBLIES USE DIRECT ACTION AND SABOTAGE. WE BELIEVE IN COOPERATION, RESPECT, AND TOLERANCE.
4. WOBBLIES TAKE YOUR MONEY TO FURTHER THEIR CAUSE. WE PROVIDE JOBS TO HELP FURTHER YOUR CAUSE.
5. WOBBLIES WANT "A NEW WORLD ARISING FROM THE ASHES OF THE OLD."  
WE MAKE SANDWICHES. NO, REALLY!

VOTE NO ~~WOBBLIES~~ ~~UNIONS~~

THE IWW (WOBBLIES) ARE...



THE IWW AND COMMUNIST  
LEADERS DECLARE THAT  
FAILURE SERVES TO  
HASTEN MOVEMENT  
TOWARD REVOLUTION  
~ N.Y. TIMES



THE ARMY OF PRODUCTION  
MUST BE ORGANIZED... TO  
CARRY ON PRODUCTION  
WHEN CAPITALISM SHALL  
HAVE BEEN OVERTHROWN.  
~ IWW



# Do You Share These Beliefs?

**By Organizing industrially, we are forming a new society from the shell of the old.**



**It is the historic mission of the working class to do away with capitalism**

**IWW**

**We must inscribe on our banner the revolutionary watchword, "Abolition of the wage system."**

**The IWW and Communist leaders declare that failure serves to hasten movement toward revolution**

**The Army of Production must be Organized...to carry on production when capitalism shall have been overthrown.**

**IWW**

N.Y. Times



**IF YOU DON'T, THEN VOTE NO ON OCTOBER 22**

During some of our recent employee meetings, our statements about the effect of union representation on the one-on-one relationships we now have with each other have been questioned. A particular issue that was raised was MikLin Enterprises' policy of granting wage increases based on individual merit that are discretionary both as to amount and timing.

First, it's important to understand that the National Labor Relations Board (NLRB) is the agency of the federal government that oversees labor-management relations in the U.S. The NLRB conducts hearings and hands down decisions, just like the courts. Both the NLRB and the courts have established certain legal rules about what employers and unions lawfully may and may not do.

If employees have voted to have a union as their collective bargaining representative, numerous decisions of the NLRB and the courts make it unlawful for an employer to change the "status quo." In other words, the employer may not lawfully change the wages of individual employees under a discretionary merit policy like ours.

**"Despite evidence of annual wage increases to non-bargaining unit employees, the existence of a certified bargaining representative compels the employer thereafter to bargain over all terms and conditions. It is essential that, during bargaining, the status quo be maintained."** *Anaconda Ericsson, Inc.*, 261 N.L.R.B. 831 (1982).

MikLin Enterprises is absolutely committed to following the law during the organizing campaign. We hope this explains why we can't put the company in legal jeopardy over the issue of individual merit increases.

## OUR JIMMY JOHN'S FRANCHISED STORES AND UNIONS

With everything that's been going on, we think you're entitled to know exactly where Jimmy John's stands on labor unions. First of all, we respect employees' legal right to vote for or against a union. But we don't believe a union is in the best interests of our employees, our customers, our community or our company. The IWW wants to insert itself between our store employees and our leadership team. The presence of an outside third party would destroy the direct relationship we have with each other. It would be contrary to one of the core values that make Jimmy John's successful: One-on-one relationships that value employees as individuals, with their own unique needs, goals and merits. We don't want a union here. Fewer than 2% of the people in our industry (and only 7.1% of the private sector) in the U.S. belong to unions. That should tell you something.

*It's important to make it clear to our team that the IWW's information and press releases are full of misrepresentations and inaccuracies. Just a few examples are their assertions about:*

- *Pay and Raises*
- *Drivers' reimbursement*
- *Workers Compensation Coverage*
- *Franchisor policies we must follow to keep our stores*

Like all fast food companies, Jimmy John's provides a particular kind of employment for a special group of people who are looking for our kind of jobs. These jobs provide exactly what our target employee is looking for. Our flexible schedules accommodate students, working mothers, full time employees of other companies who are looking for extra money, spouses and partners of folks with their own jobs, young people beginning their working careers and seniors who want to supplement their pensions and/or social security. Just like our competitors, we're looking for people who are looking for what we have to offer. Each and every one of our general managers began their career with us as a sandwich maker or delivery driver. We offer opportunity to anyone who is willing to work for it. **We won't let a union prevent us from giving folks this opportunity.**

It's not necessary now, and it's not going to be necessary, for any employee to have to join and pay dues, initiation fees and possible assessments to any union in order to work at our stores.

If you have questions about what's been going on or about Jimmy John's responses, don't hesitate to bring them to the attention of any member of your leadership team.

Thank You,

Mike and Rob Mulligan



## A MESSAGE TO OUR EMPLOYEES REGARDING DISRUPTIONS AT OUR JIMMY JOHN'S STORES

The organization known as the IWW has been disrupting many of your jobs with their various activities. They're trying to get your leadership team to deal with them as your “union”—as the *exclusive* representative of all our store team members, without regard to individual considerations. They have some problems with this project:

- If a majority of our Jimmy John's team members really want the IWW, the union can prove it by filing a petition for a secret ballot election with the National Labor Relations Board. Every year the Board conducts dozens of these democratic, secret ballot elections all over the country. It's been that way for 70 years.
- It's illegal for an employer to deal with a union that doesn't in fact represent a majority of the company's employees. This is why we have not met with them. It seems clear to us that the IWW is asking us to meet because they apparently don't have enough support to call for a democratic secret ballot election. We believe the way to protect everyone's rights is to respect the established election process.
- Federal law specifically protects your rights as an employee to *refrain from union activity*, despite the efforts of other employees or outside organizers with their own agendas to involve them. They can't “take over” as your “agent for collective bargaining” if you don't want them to— and the choice is yours, not Jimmy John's— and not the IWW's. And we won't let them do that without proof at the ballot box.

You may be asked or may have already been asked to sign a union “authorization card”— typically used by unions to obtain an election or to “demand recognition” as the employees' exclusive bargaining representative, without the benefit of an election. Sometimes unions ask employees to sign a petition for the same purpose. **These documents are legally binding agreements. Read them carefully.** Don't be fooled by the promises and other representations being made to you in an effort to get you to sign.

In an effort to achieve their objectives, there have been cases where union organizers reportedly have told employees they need to sign a card “just to get more information,” or that the union needs a certain number signed “just to hold a meeting.” They can provide you with information and hold meetings without your signature on a card. If you do sign, you may be signing away some important legal rights— including your right to vote for or against the union in a democratic secret ballot election conducted by the National Labor Relations Board. Most importantly, you may be signing away your rights to work directly with your leadership team regarding the terms and conditions of your employment with Jimmy John's. You should know also that if you've already signed a card, you're entitled to ask the union to give it back to you or remove your name from any petition you have signed.

If you feel you're being coerced into signing a union authorization card (or petition) you should know that you can report the situation to the National Labor Relations Board at (612) 348-1765. You can also let your store manager know about it if you like, but that's up to you. We just want you to know that you're legally protected against this kind of conduct!

Whether or not you want a union is up to you as an individual, and you have a right to vote for or against union representation. But we don't think a union is necessary at Jimmy John's, and we'll exercise all our legal rights to see that we keep our direct relationship with you, without the intervention of a third party.

In the days ahead you'll be hearing more from us about this subject.

Mike Mulligan

Rob Mulligan

## **Getting You Information – Production Standards and Incentive Pay**

We've heard a lot from employees about incentive pay and production standards. It's important for us that employees understand how they work and why they are structured the way they are.

### **Why have production standards at all?**

First of all, it goes without saying that we have to be productive and cost effective to stay competitive for our customer. The incentive program and production targets are intended to promote that and reward employees at the same time – a 'win-win'.

All companies must have minimum standards for workers – it's the only way a company can operate successfully.

### **Where did the production standards come from?**

The production standard isn't just a made up number. Professional Industrial Engineers who used accepted, proven industrial engineering principles and work measurement procedures set the standards. They measure the exact tasks that have to be performed, allow for variables, and calculate the amount of time it takes the average person to perform the tasks with reasonable effort in this very facility.

And it's not just what the Atlas Industrial Engineers say that sets the standards. After that, *independent Certified Industrial Engineers re-check the numbers and verify that they are accurate.*

All of this is to say that these numbers didn't come out of thin air. They come from the same statistics and factors that make up the production standards at every Atlas 3PL facility and dozens of other facilities in Canada. And we're proud to say that once training is done and facilities are at full capacity, the majority of employees do earn incentive pay.

**In fact, in Shelbyville 80% of employees earned incentive pay in each of the last three months, and the average incentive pay paid out in Shelbyville is \$2.00 per hour. That's average.**

### **And the incentive scale in Ajax is actually set *higher* than in Shelbyville.**

It's important that everyone understands that the production standards and incentive programs aren't going anywhere. They are some of the fundamental principles of how we operate our facilities. A great deal of time and effort went into developing them and they are the production standards that our financial model and contract are based on.



### **Why have incentives at all?**

Some employees have asked why we don't just pay all employees the same thing. We believe that employees should be paid extra money for extra effort. Would you think it's fair to earn the same money as the person working beside you, when you are much more productive? We doubt it, and we certainly don't think it's fair.

We think the harder, and safer, you work, the more pay you should earn. When employees work productively and safely, it's good for Atlas Logistics, and we think it's right to share that with employees.

At the end of the day, we know that not every employee will like the production standards and incentive pay. Not everyone likes every aspect of their workplace. But it's an important part of how we operate, and we want to work with all of our employees to help them achieve incentives and make more money.

We hope this answers the questions you have about production standards and incentive pay. We encourage you to bring any other questions you have to your Supervisor or any other member of management.