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# STRIKE MANUAL





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## INTRODUCTION

This manual has been developed by the Washington State Nurses Association Cabinet on Economic and General Welfare to assist nurses in WSNA local units in the preparation for a strike.

It has been said that the threat of a strike — the ultimate economic weapon a union can use — can be the catalyst that causes both parties to reexamine their respective positions. The threat may be as potent a weapon as the strike itself. If the threat is to be taken seriously, the employer must be convinced that every RN is ready, willing, and committed to walk out together. And in fact, every nurse must be willing to walk out as a united force. To vote to strike without comprehensive preparations, careful assessment and a commitment to do the work that must be done in order to ensure victory, is a formula for disaster.

WSNA staff is committed and responsible for working with local unit leaders to ensure that the local unit is prepared for the strike. The Cabinet is committed to provide support, resources and solidarity to the Local Unit and its officers. An E&GW Cabinet liaison will be appointed to the local unit when it becomes evident that a strike is possible. The Cabinet liaison will help facilitate access to state and national resources, and act as a conduit for information to the Cabinet.

We, the members of the WSNA Cabinet, have attempted to provide information that will be helpful to each of you as you prepare for this very important event. We hope this guide will answer your questions and offer you support.

## LEGAL PROTECTIONS AND RESTRICTIONS ON STRIKES

Although the labor movement has always maintained that workers' rights to organize and to collectively refuse to work are rooted in the First, Thirteenth, and Fourteenth Amendments to the U.S. Constitution, the courts have refused to extend constitutional protection to the right to strike. The First Amendment guarantees (among other rights) the rights to free speech and free assembly; the Thirteenth Amendment abolishes involuntary servitude (slavery), thus guaranteeing that workers cannot be compelled to work against their will; and the Fourteenth Amendment guarantees everyone in this country equal protection of law. But anti-worker judges and legislators have imposed many restrictions on the right to strike.

The federal law regulating the rights of workers employed by private sector employers (including both for-profit and nonprofit hospitals) is the National Labor Relations Act, which is administered by the National Labor Relations Board (NLRB). *29 United States Code § 151 et seq.*

In Washington, the state law regulating the rights of workers employed by public sector employers (such as public hospitals and public health districts) is the Public Employees Collective Bargaining Act, which is administered by the Public Employment Relations Commission (PERC). *Revised Code of Washington Chapter 41.56.*

A strike is an economic weapon utilized by workers to try to compel an employer to agree to union demands or to protest an employer's unfair labor practices:

*A strike is a "concerted stoppage of work by employees (including a stoppage by reason of the expiration of a collective bargaining agreement) and any concerted slowdown or other concerted interruption of operations by employees." Section 501(2) of the Labor Management Relations Act (Taft-Hartley Act), 29 USC § 142(2)*

Depending on the circumstances and balance of power in a particular strike:

- An employer may lose revenue from the curtailment of business operations.
- Employees lose wages and benefits for duration of a strike.
- Employees may be temporarily or permanently replaced during a strike.

Federal law generally protects workers' right to engage in concerted activities:

*"An employee shall have the right to self-organization, to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective*

*bargaining or other mutual aid or protection...*  
 Section 7 of the National Labor Relations Act, 29  
 USC § 157.

A few examples of “concerted activities” protected by law include the right to attend a union meeting, to wear a union button or other insignia at work, to talk to co-workers (in nonwork areas on nonwork time) about union-related matters, to distribute leaflets about a labor dispute, or to collectively raise complaints to your employer about working conditions. Except under “special circumstances,” your employer is legally prohibited from retaliating against you for engaging in these concerted activities. *Republic Aviation Corporation v National Labor Relations Board*, 324 U.S. 793 (1945).

Federal law thus recognizes a strike involving a labor dispute between an employer and the striking employees as a “concerted activity for the purpose of collective bargaining or other mutual aid or protection,” and workers are legally protected from retaliation by the employer.

Peaceful picketing is a means of communicating information about a labor dispute and persuading the public and other workers to support the union’s position, and is recognized as “among the fundamental personal rights and liberties which are secured to all persons” by the First and Fourteenth Amendments to the Constitution. *Thornhill v. Alabama*, 310 US 88 (1940).

Note: In Washington, the Public Employees Collective Bargaining Act recognizes the rights of public employees to organize and engage in collective bargaining, but does not expressly protect the right of public employees to engage in strikes or other concerted activities. The law states that “Nothing contained in this [statute] shall permit or grant any public employee the right to strike or refuse to perform his or her official duties.” *RCW 41.56.120*. Although strikes by public employees (such as public school teachers and crews on state ferries) have occurred from time to time, Washington courts have ruled that strikes by public employees are illegal in this state. *Roza Irrigation District v. State of Washington*, 80 Wn.2d 683 (1973); *Port of Seattle v. International Longshoremen’s & Warehousemen’s Union*, 52 Wn.2d 317 (1958).

By collectively withholding their labor, workers seek to pressure an employer economically to accede to demands regarding wages, hours, and other terms and conditions of employment, or to protest unfair labor practices committed by an employer.

Federal law imposes a special restriction for strikes and picketing at health care facilities, requiring at least 10 days advance written notice by the union so the health care facility can take steps to ensure continuity of patient care, including making arrangements to hire replacement employees (strikebreakers):

*“A labor organization before engaging in any strike, or picketing, or other concerted refusal to work at any health care institution shall, not less than ten days prior to such action, notify the institution in writing and the Federal Mediation & Conciliation Service of that intention. ... The notice shall state the date and time such action will commence.”*

*Section 8(g) of the National Labor Relations Act, as amended by the Health Care Institutions Amendments of 1974, 29 USC § 158(g).*

This 10-day notice requirement applies to any private sector “health care institution,” which includes “any hospital, convalescent hospital, health maintenance organization, health clinic, nursing home, extended care facility, or other institution devoted to the care of sick, infirm, or aged person[s].” 29 U.S.C. § 152(14). The 10-day notice requirement applies to any “concerted refusal to work” organized by the union, including a collective refusal to perform voluntary overtime. *Service Employees International Union, United Health Care Workers – West v. National Labor Relations Board*, 574 F.3d 1213 (9th Cir. 2009).

A strike can be declared for a predetermined length of time, or it may be initiated for an indefinite duration – until the employer concedes the strikers’ demands or the strikers abandon the strike.

Unless an employee engages in “strike misconduct” – generally, acts of violence or destruction of the employer’s property – the employer may not legally fire or discipline or otherwise retaliate against an employee for participating in a lawful strike.

However, strikers who engage in illegal or unprotected strikes may be fired. Unprotected strikes generally include:

- Strikes that violate a collective bargaining agreement. *National Labor Relations Board v. Sands Manufacturing Company*, 306 U.S. 332 (1939).
- Strikes at health care facilities that violate the requirement that the union give the employer at least 10 days advance notice. 29 USC § 158(d).
- Sit-down strikes, in which the strikers occupy the workplace. *National Labor Relations Board v. Fansteel Metallurgical Corporation*, 306 U.S. 240 (1939).
- Strikes targeting “secondary” employers other than the “primary” employer with which the union has a direct dispute. 29 USC § 158(b)(4)(I)(B).
- Partial strikes, such as slowdowns or refusals to work mandatory overtime or mandatory on-call assignments. *C.G. Conn Limited v. National Labor Relations Board*, 108 F.2d 390 (7th Cir. 1939).
- Intermittent strikes (a planned series of strikes of short duration). *Pacific Telephone & Telegraph Company*, 107 NLRB 1547 (1954); *U.S. Service Industries*, 315 NLRB 285 (1994), enforced 72 F.3d 920 (D.C. Cir. 1995).
- Strikes by a minority of the employees in a bargaining unit without the authorization of their union. *Western Cartridge Company v. National Labor Relations Board*, 139 F.2d 855 (7th Cir. 1943).

## Strikebreakers and reinstatement of strikers

Federal law permits an employer to continue to operate its business during a strike by hiring replacement workers – strikebreakers – to fill the strikers’ jobs.

When workers engage in a strike to protest unfair labor practices committed by the employer – such as threats to coerce employees to refrain from union activity, or spying on employees’ union activities, or refusing to bargain in good faith – the employer may only hire temporary replacement workers, and when the strike ends the employer must promptly reinstate the strikers to their former positions. *National Labor Relations Board v. International Van Lines*, 409 U.S. 48 (1972); *Mastro Plastics Corporation v. National Labor Relations Board*, 350 U.S. 270 (1956). Thus, if a strike is called or prolonged (wholly or partly) by the employer’s unfair labor practices, the strikers are protected from permanently losing their jobs.

However, the U.S. Supreme Court has ruled that when employees engage in a strike solely to try to compel the employer to agree to their economic demands (such as union recognition, higher wages or better working conditions), the employer may legally hire other workers to permanently replace the strikers. *National Labor Relations Board v. Mackay Radio & Telegraph Company*, 304 U.S. 333 (1938).

At the end of an economic strike, when the union on behalf of the employees makes an unconditional offer to return to work, the employer is not legally required to reinstate the strikers to their jobs. The employer has no obligation to discharge the replacement workers and is only required to put the strikers on a rehire list with preferential recall rights. So, while the strikers are not fired and technically remain “employees” for certain legal purposes, they may not have a job or any income.

## Use of accrued vacation or paid time off benefits

Although an employer may not discriminate against strikers with respect to the use of vacation time or paid time off during a strike, an employer is not required to allow strikers to use their accrued vacation time or other benefits during a strike unless they are otherwise entitled to do so. *National Labor Relations Board v. Great Dane Trailers*, 388 US 26 (1967); *Gulf Envelope Company*, 256 NLRB 320 (1981). Thus, if a nurse had submitted a vacation request before a strike and it was approved in accordance with the employer’s established policies, the employer must pay the vacation benefits even though the approved vacation occurs while the nurse is on strike.

## Unemployment compensation benefits

Under Washington law, a worker is not entitled to receive unemployment compensation benefits when the individual is out of work due to a strike. *RCW 50.20.090*.

## Possible employer weapons

### Lock-out

A lock-out occurs when an employer withholds employment from its employees for the purpose of pressuring the union to agree to the employer’s economic demands. Just as a strike is an economic weapon for workers and their unions, the lock-out is a powerful weapon for employers.

Depending upon circumstances, an employer may lawfully lock out employees and continue to operate its business by hiring temporary replacement workers. *Brown Food Stores*, 380 U.S. 278 (1965). Employers – even health care facilities – are not required to give employees or their union any prior notice before instituting a lock-out.

### Unilateral implementation of the employer’s last, best and final offer

If the union and the employer have reached a genuine “impasse,” or stalemate in negotiations – in which, after good faith bargaining, there are irreconcilable differences in the parties’ positions and the parties are unwilling to compromise, so further bargaining would be futile at that time – an employer may lawfully implement changes in wages, hours, and other terms and conditions of employment by unilateral action. *National Labor Relations Board v. Katz*, 369 U.S. 736 (1962).

# STRIKE ASSESSMENT

The strike is an economic weapon.

Once initiated, it imposes certain economic pressures on both parties, in the form of lost revenues for the employer and lost wages for the employees. As the strike continues, those pressures build until either or both parties alter their pre-strike positions and seek an agreement. Despite the difficulties encountered by the parties (and the public), the strike is a legitimate procedure in which the parties themselves work out the terms governing their unique relationship.

The first thing to think about when you begin to consider undertaking a strike is “Have we exhausted all other actions, methods, and opportunities?” If the answer is “I don’t know” or “No,” then it may not be time for a strike. It is important to understand that a strike comes at the end of a campaign, once you’ve planned and implemented many other events and actions to move the employer. Actions can include meetings, surveys of your members, petitions and postcard campaigns, letter writing campaigns engaging the media and community, rallies and informational pickets. The possibilities are nearly endless and only limited by the engagement you can count on from the bargaining unit and your imagination.

Think of a strike as your last line of defense of your issues. It’s the big bang. It’s also not a guarantee that you’ll get what you’re asking for from the employer. Very little done after a strike will lead to an agreement with your employer, so you need to be confident that you and all of your colleagues are all-in and ready to do whatever it takes for as long as it takes to implement a strong action. If your first thought is “I think we can do it” or “I know I’m ready, but I’ve never asked anyone else if they are,” again, you may not be ready, and you have some work to do to get there.

The work that needs to be done well in advance of a strike vote is that of assessing and considering multiple factors. Paramount in that is the conversations between the bargaining unit members. Every single member should be assessed for their level of interest and participation in a strike. A hard assessment like this takes time and effort but will give you the most evidence-based support for any decision-making moving forward.

## Power considerations

Perhaps the most crucial aspect of a strike assessment is the comprehensive examination of the power considerations. “Power” is a fluid concept and will, of course, vary from situation to situation. However, an understanding of the factors present to some degree in every situation will assist in determining the relative power of the union and the employer.

## Employer power considerations

Fundamental in this determination is the employer’s ability to withstand a strike. Central to this is the financial position of the employer. The financial position of the employer may be discovered

through annual reports, or, in the case of proprietary hospitals, stockholders’ reports. The board of directors or trustees of various institutions may also serve as sources of information, although obtaining information from these sources may be difficult.

A potential resource of the employer is the availability of strike replacements. Replacements may take the form of agency nurses, nursing students, nurses from hospital personnel pools, and even non-nurses.

Another resource of the employer is the complement of RN supervisory staff. The ratio of supervisor nurse to staff nurse is an important consideration. In a strike situation, supervisory nurses will generally be expected to work long hours with minimum time off, often performing direct patient care. Consequently, the higher the number of supervisors working in the struck facility, the less impact staff nurses will have in withholding their services.

## WSNA / Local unit power considerations

Equally as important as the employer’s power considerations is the relative power possessed by the local unit and WSNA. We assess whether we have the strength for a successful strike by tracking, throughout the contract campaign, which members have participated in various union sponsored escalation actions. These actions can include attending a membership meeting, wearing a union button at work on the designated day, signing a petition or attending a rally in support of the negotiating team and signing a strike commitment pledge card. Our tracking charts will tell us where we are weak and strong and whether we are ready for the final test, the primary indicator of potential power: the strike authorization vote.

The most powerful measurement of current union power is measured by density of union membership in the local unit and shows administration you stand united for your cause. An important indicator of your potential power is the percent of the bargaining unit members voting to strike. The greater the number voting to strike, the greater the probable number who will actively engage in the strike and honor the picket line. To have maximum effectiveness, a strike must have near total RN support from both members and nonmembers in the bargaining unit.

The degree of support for the strike will vary among members of the bargaining unit, as will both financial reserves and morale. Absence of a paycheck will most certainly put a drain on individual nurses’ financial reserves. Fundraising during strike is discussed later in this manual. With regard to morale, a sense of unity and direction will serve as sustenance for a considerable period of time. This is extremely important and will be discussed subsequently under internal communications.

Commitment to the cause is crucial to sustaining a prolonged strike. Commitment must be viewed as identification with the strike issues; attachment to the profession of nursing; attachment to the job, to WSNA and the Local Unit; and attachment to the community. The concept of commitment involves the important difference between striking and resigning. A strike is a positive attempt to



alter or change a given situation. For a strike to be successful, every nurse involved will have to contribute considerable time, energy and skills to that objective. Because in truth, a strike cannot be won without everyone's active participation.

## Community climate

A third major consideration in the assessment in preparation for a strike is what could be referred to as "community climate." Public attitude toward strikes is often highly correlated with the acceptance of the collective bargaining process in general. Even where there is support for collective bargaining, however, the concept of registered nurses striking may be viewed quite differently from the traditional industrial work stoppage. Over the years, WSNA has had several strikes and numerous near strikes. In each of those situations, nurses have experienced tremendous support of the community. This is consistent with the Gallop poll, that shows nursing is one of the most creditable professions, and nurses enjoying excellent support from the public. Nevertheless, community experience with other non-health care strike activity will have some bearing on the community's reaction to a strike by RNs.

Since a strike inevitably inconveniences a segment of the community, the availability of alternative health care may play a role in shaping community climate or public opinion. In situations where alternative health care is not available, favorable community support is dependent upon the success of the nurses in convincing the public that, while there may be short-term inconveniences attached to the strike, in the long run the patient will be better served through improved health care.

A critical factor to consider in making a strike assessment may be attitudes of governmental policymakers at the local, state and federal levels. Government policymakers can have a major impact on the power dynamics of a strike. For instance, when the federal government fired more than 11,000 air traffic controllers for engaging in an unlawful strike in 1981, employers across the country were emboldened to take a much more belligerent approach toward unions; it became common for private sector employers to hire permanent replacements for strikers – something that the law had permitted all along, but which for decades had been almost unheard of before 1981. On the other hand, when the federal government has been under a pro-worker administration (as it was, for instance, in the 1930s), workers have been encouraged to exercise their rights to organize and strike, and millions of workers won recognition for their unions, dramatic improvements in their working conditions, and a higher standard of living for their families and their communities.

An objective assessment should include realistic consideration of the following kinds of questions: What is the union's relationship with key government policymakers? Can the union expect public officials to publicly express support or opposition to the strike? Will local judges and police officials be inclined to be sympathetic or hostile to the union? Will the National Labor Relations Board effectively investigate and prosecute any unfair labor practice charges

the union may file in connection with the labor dispute? Overall, will public officials be a help or a hindrance to the nurses in their strike?

## Support systems

The most immediate support system for collective action by nurses is their fellow workers at the facility. These employees may be organized or unorganized. Organized employees are in a better position to offer or lend formal support, although they may be limited in the types of support they can provide by restrictions in their collective bargaining agreement. Such support may include honoring the nurses' picket line, not doing nursing work, financial contributions, loans and use of facilities for meetings. However, such relationships are not easily cultivated overnight, and support from other unions may be dependent upon prior relationships, which is why it is critical to build and maintain relations now — not just when you need help.

While unorganized employees in a health care facility are certainly in a position to be supportive, their support may be more difficult to tap because of employer pressure or fear of losing their jobs.

Other organizations, not necessarily only unions, may also be in a position to provide support for nurses' collective action, such as a union's sanction of a picket line and refusal to make deliveries across the picket line, willingness to write letters of support to the editor, speak on nurses' behalf at Board meetings and community meetings, etc.

Perhaps the greatest form of support is that given by nurse leaders within WSNA such as the Cabinet on Economic and General Welfare, other Local Units, union partners and by nurses in surrounding states. Our national Union, the American Federation of Teachers, (AFT), will provide strike resources from the national level.

Community and/or religious organizations can often provide support or assistance, such as use of buildings or facilities for meetings and rallies, phone banks, copying, computer support, food donations, etc.

# PREPARING TO STRIKE

## Strike vote and notice

Consult your local unit rules regarding requirements and process for a strike vote. Staff and local unit leaders will strategize together how best to present the outstanding issues to the local unit and assess what the next step should be including whether a strike vote is warranted.

In accordance with the WSNA Bylaws, only dues-paying members of WSNA are permitted to vote on strike authorization.

A meeting of all RNs involved should be called, at which an honest and accurate report of negotiations and all the efforts made by the negotiating team to amicably settle the dispute should be presented. A free flow of information should be encouraged at this meeting. If a strike is proposed to protest unfair labor practices committed by the employer – such as threats or retaliation against union activity, or a refusal to bargain in good faith – those violations should be discussed specifically. After adequate discussion the local leadership, working with WSNA staff, can make a recommendation to strike or engage in other actions. A formal strike authorization vote should be planned as soon as possible.

Tracking attendance at the meeting or meetings is critical. This will help determine areas of strength and areas of weakness. A substantial number of those in the bargaining unit should be present for this important vote, adequate notice of the meeting must be given, and every effort must be made to reach everyone in the bargaining unit.

As you plan, do not forget that Section 8(g) of the National Labor Relations Act requires a labor organization to give written 10 days notice to the health care institution and the Federal Mediation & Conciliation Service of intent to picket or strike.

Since the strike is considered to be the ultimate economic weapon a union can use in a contract dispute, it is imperative that thorough planning occur and that all possibilities to reach an agreement have been exhausted before taking a strike vote.

## Committees that should be in place before a strike

### Negotiating team

Representatives chosen from the bargaining unit according to the local unit's rules and must be members in good standing. The Negotiating Team will be extremely busy at this time and should not attempt to do the functions of the other committees. Delegation is a must and a will indicate whether a strike will be successful or not.

### Oversight committee

This committee shall serve as the local unit's principal overseer for all strike related activities. Membership should include the Negotiating Team and alternates as well as the chairperson or designee of each standing committee. Principal responsibility will be to serve in the administrative capacity with WSNA staff approving all strike-related objectives and actions on behalf of the recommendations from other standing committees.

### Financial committee

As soon as your WSNA local unit determines that a strike is even under consideration, nurses should be advised to begin to prepare themselves financially for a possible work stoppage. If a strike occurs, nurses may need to endure a lengthy period of time without their regular income. Therefore, nurses should be warned as early as possible to prepare, by postponing non-essential expenses, paying off as much debt as possible, etc. These steps can strengthen nurses' ability to withstand a strike, thereby enhancing their union's capacity to carry the strike to victory.

Since WSNA does not have a permanent strike fund, a Financial Committee should be instituted to secure means of raising monies and distributing these to striking RNs in need. There may be RNs who for a multitude of reasons—a large family, family illness, lack of savings, heavy debts—may need assistance at the outset. The most common needs will involve health care, child care, food, rent, and utilities. All members should be informed of the existence of the donated funds to assist any member in need.

Our national union, the AFT, offers members who are on strike access to interest-free loans to help with expenses when regular pay is interrupted. Members are eligible after one payday is missed, and after five days on strike. The Financial Committee will administer the program and coordinate with the national AFT.

Fundraising can range from bake sales to requests for financial assistance from other state nurses' associations, local units and labor organizations. Some cities require a "charitable solicitation license" to engage in fundraising events. Before you engage in such fundraising, investigate this.

The Financial Committee will be responsible for establishing criteria and eligibility for disbursement. In most cases, strike benefits are treated as taxable income.

In addition to raising funds and making difficult decisions on disbursement, the committee will be required to engage in financial counseling of members. Committee members must have the ability to talk with nurses in a cordial, patient and frank manner about their financial problems. The committee members may need to ask questions of assistance applicants that might appear to invade their privacy. Those sensitive to such questions will have to be put at ease.

Part of financial counseling is advising nurses, where applicable, to inform all creditors of the existence of a labor dispute and attempt to work out a deferral of payments. This can help to protect strikers' credit ratings. The committee should also advise nurses that most credit card companies offer credit card protection

at a nominal cost. Nurses should be advised to check if they have this coverage because this insurance may cover monthly payments while on strike or until fully employed again.

Disbursement should be made on a case-by-case basis. The Financial Committee should not attempt to duplicate existing assistance programs. While agency names vary from community to community, the following is fairly representative of the types of assistance found in an average size city or county:

- Surplus foods.
- County chapter of the American Red Cross.
- Family service agency.
- Various religious agencies, such as the Salvation Army.
- Anti-poverty programs.
- Legal Aid Society.

Not all the members' problems arising out of the strike are financial. Personal or family problems may be heightened during the strike. Such problems should be referred to an appropriate family service agency. The ability to meet the members' needs (either directly or by referral) is crucial to sustaining morale during the strike. The chair of this committee would automatically be a member of the Oversight Committee.

### **Strike headquarters committee**

This committee will be responsible for securing a reasonable location for strike headquarters, and for ensuring that the appropriate communication tools are available. A strike headquarters near the struck facility is preferable; space in a local union or central labor council office is ideal, but the basement of a home, an RV, an inexpensive motel unit or an apartment can be utilized. Office and strike line supplies should all be considered and housed at this location for easy access. The Strike Headquarters Committee and WSNA staff should see that the headquarters is staffed around the clock for the duration of the strike. For example, all workers and supporters arriving and leaving for their strike line shift should sign in and out at this location for appropriate data gathering and tracking. Strike headquarters is the focal point for the transmission and reception of strike information for nurses, the media, the community and other supporters. Chairperson of this committee would automatically be a member of the Oversight Committee.

### **RN emergency standby team committee**

This committee will be responsible for soliciting volunteers from bargaining unit RNs who would be willing to care for patients in the hospital if it is determined that an emergency situation exists. The team would be prepared to respond to any emergency need that would threaten the life of any person in the community if such a patient were unable to receive appropriate nursing care due to the strike. Such assistance usually involves patients in the Emergency Department, Operating Room or Critical Care areas of the hospital. It would be expected that at least 25% of the income earned in this way would go to the local unit strike fund. The RN Emergency

Standby Committee would closely monitor provision of these services on a shift by shift basis, and services would be withdrawn when the emergency is over. The chair of this committee would automatically be a member of the Oversight Committee.

### **Internal communication committee (rumor control)**

This committee will serve the function of ensuring that speedy communications can be transmitted back and forth between bargaining unit members and the Oversight Committee. Responsibilities will include updating contact information on all members by coordinating the delegation of tasks to unit-based leaders to have one-on-one conversations; creating and maintaining adequate communication processes like phone, text and email lists; and reviewing the rosters to identify areas of opportunity for improved communications. Additionally, this committee will serve to monitor rumors and give an appropriate response to such rumors to prevent confusion during a strike. This committee will also distribute "strike alert" newsletters, email messages, update the 24-hour voicemail hotline, and other communication mechanisms to keep bargaining unit RNs informed of current and upcoming strike related developments. The chairperson of this committee will automatically be a member of the Oversight Committee.

### **External communication committee (PR)**

This committee will provide strike/negotiations information to the general public, other unions, other local units and state nurses associations, the press, and other targeted support groups. The purpose of these communications will be to convey the bargaining unit's position on issues and to solicit public support. This committee will assist WSNA staff in drafting announcements for newspapers and radio stations, press releases for the news media, informational leaflets for the public and any other matters of public relations. The chairperson for this committee will automatically be a member of the local unit's Oversight Committee.

### **Child care committee**

This committee will be responsible for researching the availability of reasonable and responsible child care in the community and, if necessary, formulating its own volunteer child care program to assist strikers who are serving on a committee, the picket line or employed elsewhere in the community during the strike. The chairperson for this committee will automatically be a member of the local unit's Oversight Committee.

### **Picket line coordination committee**

This committee will organize picket schedules to ensure a sufficient number of picketers are available for designated picketing times. This committee will oversee all actual picketing activities such as schedules for picketing, designation and training of picket line

captains, picket line behavior, community participation, records of picket line participation, food and beverages for picketers and support staff, picket signs, and monitoring of picket sign wording. The chairperson for this committee will automatically be a member of the local unit's Oversight Committee.

## Employment opportunity committee

This committee will be responsible for assisting striking nurses in locating reasonable alternative employment during the duration of the strike. The committee will research all available employment opportunities in the surrounding community noting the level of wages and benefits to be paid, as well as any working restrictions. The chairperson of this committee will automatically be a member of the local unit's Oversight Committee.

## Personal finances

It is important that nurses think ahead and prepare their personal finances in the event of a strike. Every nurse's financial and family situation is different and as such the strain caused by the loss of income during a strike will also be different. A good place to start is by preparing a realistic budget that evaluates all possible income sources during the strike including family savings and other assets and planning how to reduce household expenses by looking carefully at monthly bills and recurring payments that are not essential and could be cut. Taking on new debt through installment loans for home renovations, the purchase of items like cars or major household appliances should be avoided.

## Student loan debt

Nurses on strike who have federal student loan debt and are currently not receiving a paycheck could be eligible for income-driven repayment plans for their student loans. Income-driven repayment plans are based on your adjusted gross income and family size, rather than how much you owe.

When your income is low or zero, your payments through these plans can be as low as \$0 a month, and if you qualify for Public Service Loan Forgiveness (PSLF) you will continue making progress toward PSLF and other loan forgiveness even while making \$0 payments.

Income-driven repayment with a \$0 payment is a much better option for borrowers than deferment or forbearance, which don't make progress towards PSLF or any other kind of forgiveness.

In the event of a strike, WSNA will coordinate with our national union, AFT to provide additional information regarding income-driven repayment plans.

## Notification of creditors

It is important nurses contact all their creditors when it looks like a strike is imminent or at least prior to the time a payment is due. Contact the creditors in person or by phone and follow up with a written letter. Maintain a record of the time and to whom you spoke. This needs to be done before the payment is due to minimize the risk that your credit rating may be affected. Most creditors will make payment arrangements, either a minimum payment or payment of interest only. Keep a copy of all correspondence.

The following is a sample letter nurses may use to notify a creditor:

*Customer Service Representative at  
(creditor name);*

*I am a Registered Nurse at (name your facility, city and state). I hold an account with your institution (list your account number).*

*Our bargaining unit is planning to go on strike \_\_\_ (give the approximate dates) or (We have been on strike since \_\_\_\_\_). I may not be able to make full payments on my account, but would like to arrange a minimum payment schedule during the strike to maintain my account in good standing.*

*I would be happy to meet with a service representative. Please contact me if this is required.*

*Sincerely,*

# STRIKE PICKETING

The most visible part of any strike activity is the picket line.

The most visible part of any strike activity is the picket line (aka strike line). Picketing creates an atmosphere of solidarity and strength and communicates that to the employer and the public. Furthermore, the presence of a picket line discourages potential replacements from accepting employment.

Peaceful picketing that is designed to inform and persuade the public about a labor dispute is an exercise of the right of free speech guaranteed by the First Amendment of the Constitution. This right is not absolute, however. There are restrictions on the conduct and the objectives of picketing. WSNA staff will advise you what restrictions may apply in your setting. It is critical for all members to be well informed on these matters as they can have significant legal implications for the bargaining unit and WSNA.

Picketing that is or becomes coercive rather than persuasive may be unlawful. Examples of this would be pickets massed at entrances to the employer's facility to prevent entry through sheer force, or instances in which those who wish to enter picketed premises were prevented from doing so by physical violence or verbal threats. This has never been an issue on a WSNA picket line, and it is our belief that RNs enjoy the credibility we have earned in part because of the "professional" way we conduct ourselves, where we work and on the picket lines.

In short, picketing is generally protected as lawful "concerted activity" and a form of free speech when conducted in a peaceful manner, when it is confined to the immediate location of the employer and when the picketing is not unlawful as described above.

Although peaceful picketing (informational picketing) to inform the public of the Local Unit bargaining position prior to a strike or in conjunction with the strike is clearly protected activity under the Constitution and National Labor Relations Act, Section 8(g) of the NLRA requires the union to give 10-day prior notice to the employer and the FMCS.

Pickets should exercise care and caution so as not to trespass or damage private property. Mass picketing and similar demonstrations should be confined to public property. These activities must be planned with consultation and assistance of WSNA staff to ensure the legal requirements are met.

## Picket signs

The picket sign is the nurses' method of letting the public know about the dispute with their employer. Obvious statements, such as "RN's On Strike" and "Nurses Fighting for Better Patient Care" are frequently seen picket signs. If part of the reason for the picketing is to protest unfair labor practices (ULPs) committed by the employer, some of the picket signs should say so, with slogans such as "We Strike Against Unfair Labor Practices." Having a "picket sign making party" is a great way to involve nurses and build solidarity. This should be done well in advance of the date of the strike, so that at

the appointed time, signs are ready. Places and plans for making, storing and transporting them should be designated as early as possible.

## Picket captains

Picket captains should be assigned the duty of monitoring the picket line. The picket captains should be familiar and conversant with the strike issues. Further, picket captains should note and report all picket line incidents to the WSNA staff. It is very helpful, if not essential, that picket captains should have their cell phones with them and be prepared to photograph or record video of any unusual incidents on the picket line. Current, up-to-the minute information is critical for the captains to have because they may be approached by the public, the media, and nurses seeking information. Captains should be easily identifiable while on the picket line. The following should serve as guidelines for picket captains:

- Help determine the most effective sites for picketing.
- Know the limits of public property.
- Ensure picketers are informed and compliant with the ground rules appropriate of picket line behavior.

Establish a picket schedule. Arrange the schedule in at least two-hour blocks (probably the minimum time for which it is worthwhile to come out and the maximum time that many RNs will be able to maintain some enthusiasm). Make sure nurses sign up for shifts and have some way to communicate if they cannot make their shift. Picket times should be viewed like a work schedule; once a commitment is made to picket, it is expected that the nurse will be there or arrange coverage.

Since most health care institutions are 24 hour a day operations and picketing may occur around the clock, the local police should be requested to make additional patrols to ensure picketer safety. Any incidents or threats to safety should be reported to the staff immediately.

## Guidelines for individual RNs on the picket line

In consultation with WSNA staff, prepare written guidelines for picket line participants.

The following should serve as general ground rules for individual nurses in conducting themselves on the picket line:

- Let your picket captain know when you arrive and when you leave. A clearly marked car or strike headquarters should serve as the action center for the facility.
- Wear comfortable shoes and uniform or scrubs if possible. (The media love it.)
- Be civil and professional in interactions, even in the face of incivility or unprofessional behavior of others.
- Keep the energy up during your shift by being actively engaged in strike line activities.

- Concentrate around hospital entrances but do not block traffic or prevent people from entering or leaving. Do not block the street either. If participating in a march, observe traffic signals.
- Stay on public property.
- Do not argue with anyone — if harassed, have your picket captain notify the WSNA staff immediately.
- If approached by administration, do not discuss issues — refer them to your negotiators.
- Remember TIPS (Threats-Interrogation-Promises-Surveillance). Administration engaging in these behaviors with nurses should be reported immediately to WSNA staff.
- If approached by news media for pictures, permit this if you do not object personally. Refer all questions and interviews to the picket captain or media point person.
- If you are questioned by the public, these may serve as helpful short answers:
  - a) “We regret the need for this kind of activity, but we cannot accept an offer that does not bring us up to the community standard.”
  - b) “The hospital has been unresponsive to the nurses concern that they have a greater voice in determining the level and quality of patient care.”
- Tempers can flare on the picket line; try to avoid that. Maintain a determined, professional, upbeat atmosphere.
- Anyone who engages in misconduct – committing or threatening violence, engaging in discriminatory behavior (verbally or in writing), damaging the employer’s property – must be told to leave, in no uncertain terms.
- Make sure you are informed on the issues.

## INTERNAL COMMUNICATIONS

Regular and consistent internal communication is essential to the morale of nurses on strike.

Regularly scheduled meetings, appropriately spaced, are an effective means of sustaining morale. Meetings should include a report of the progress of negotiations and should allow the nurses an opportunity to ask questions. Presence of nursing, labor or community support can be a very positive addition to a meeting or rally. While the media may be near at hand, it is appropriate and permissible to exclude or include the media from various meetings or rallies.

In addition to meetings or rallies, strike bulletins should be published regularly. This may mean daily or two or three times a week, but not less than once a week. Strike bulletins are used to announce and report on meetings or events, report on negotiations, give the facts and dispel the rumors.

Email updates to bargaining unit members and a media contact is a speedy and cost-free way of communicating. Taking every opportunity to verify and update personal contact information like email, cell/home numbers, and mass text authorization will prove important in implementing the communications plan efficiently and thoroughly.

Another vehicle for internal communication is a telephone “strike hotline” with an up-to-date recorded message. The number of the strike hotline should be published in the strike bulletin, or otherwise be made known to the nurses on strike. A strike hotline can be most effective in speedily combating news releases from the employer. It also frees valuable time that would otherwise be devoted to answering the phone.

While meetings and strike bulletins are essential elements of internal communications during a strike, members of the negotiating team should, whenever time permits, make themselves available to the nurses on the picket line. This one-to-one contact is a definite morale builder.

The local unit rep system is the most important element for getting information to the members, on a unit-by-unit basis, and for the staff and team to get feedback. There should be at a minimum one designated representative for each unit and each shift in the facility, with a goal of one unit representative responsible for 10 nurses, distributed over all units and shifts.

# PUBLIC RELATIONS

The local unit External Communications Committee will work closely with the WSNA staff PR person to consult, plan and coordinate the local unit's message. Staff will help write press releases, plan for media events, and coordinate media coverage with others in the labor movement and around the state and other state nurses associations.

The need for effective public relations is heightened during a strike. The local unit should take the offensive and not be put into a defensive posture by the employer's public relations campaign. The local unit should be prepared for a full-scale employer opposition campaign.

It is important that the local unit educate the public about the strike issues. This education is essential to creating support and respect for the picket lines and for the strike objectives. Effective public relations strategies and tactics are not a substitute for maintaining a strong picket line, however. Rather, it is an essential component of an all-out effort to win the strike.

Getting the nurses' message to the public can be done in several ways. Local unit nurses are the best public relations spokespersons for their local unit. Nurses who are part of the community and know the issues and experience the problems that led to the strike have much more credibility than WSNA staff who may be seen as "outside agitators from Seattle." Staff will work with local unit nurses on working with the media and how to most effectively state your concerns.

The activities below are some of the tools the local unit may use:

- News releases.
- News conferences.
- On-site news conferences.
- Bulletins.
- Badges.
- Leafleting.
- Nurse Speakers Bureau.
- Newspaper advertisements.
- Talk shows.
- Bumper stickers.
- Letters to physicians.
- Letters to newspaper editors.

# FREQUENTLY ASKED QUESTIONS

## ***Will I lose my job if I go on strike?***

You cannot be fired. You can be permanently replaced only if the strike is caused solely by economic issues and only after the actual hiring of a permanent replacement for your position. If the strike is called in part to protest unfair labor practices by the employer, the employer cannot legally hire a permanent replacement for you.

## ***Can I return to my same job and shift?***

A “return to work” agreement is usually negotiated prior to the conclusion of any strike. We will insist, as part of the “return to work” agreement that each nurse is returned to his/her job, unit, and shift. If nurses stay unified in striking, we are more likely to prevail in negotiations for a “return to work” agreement.

## ***What happens if I can't afford to go on strike?***

We have a Employment Opportunity Committee working to assist you. Also read the information in this booklet on how to notify your creditors.

## ***Will a strike affect the image of nursing in a negative way?***

No. We are professionals. We should demand reasonable management practices, a safe environment for both our patients and ourselves and benefits that reflect our professional status. It is important to conduct ourselves in a professional manner and be informed.

## ***What are my personal obligations if we go on strike?***

- Do not cross the picket line!
- Take your share of picket duty and/or strike activity. A strike is not a vacation; it is a very intensive, goal-oriented job. If you cannot attend your shift, it's up to you to find someone to attend in your place.
- Pay attention and engaged on social media, meetings and any other communications from your team or WSNA.
- Do not contribute to the rumor mill.
- Stay in contact with your colleagues.
  - o Help each other out in any way you are able.
  - o Discuss issues and continue a productive dialogue.

## ***How many nurses will it take for a strike to be effective?***

A large active picket line is vital to a successful strike. Every nurse needs to participate – members of WSNA or not-- – to prevent the facility from operating as usual. The more members we have out on the line, the harder it is for people to cross it. Being at the picket is also the best way to get the latest information on how the strike is going and to show the community that nurses are united in the strike.

## ***Who will take care of my patients? Will it be considered abandonment?***

The facility will have 10 days in which to move patients to other facilities and to cease taking elective patients. Any patients remaining will be taken care of by managers and strike breakers (scabs). Patients who would normally come to the facility may have to use other facilities. WSNA always offers to provide nurses in emergencies. If a legitimate emergency arises, the emergency will be assessed and the decision to provide RNs will be made.

## ***What are the consequences of crossing the picket line?***

Crossing a picket line will undermine our attempts as nurses to provide a better framework for the future growth of our profession and achieve our negotiating goals. It also erodes the camaraderie in the workplace, prolongs the strike and negatively impacts our efforts to work as a team once the strike is settled.

## ***Is there anything I can do to help before we go on strike?***

Yes! Volunteer to help, fill out the form on the last page of this brochure. Let your nurse managers know how you feel about your team's proposal. Always attend bargaining unit meetings and speak your mind.



# GLOSSARY OF TERMS

## **COLLECTIVE BARGAINING:**

A relationship between a labor organization (WSNA) and the management of various institutions consisting of two major aspects:

- Contract negotiations (see below)
- Contract administration, i.e. making sure commitments made in the contract are kept by both parties.

## **NEGOTIATIONS**

A process that affords parties in a collective bargaining relationship an opportunity to exchange ideas and make commitments in an effort to resolve their differences and reach an agreement/contract.

## **IMPASSE**

That point in negotiations where one or both parties decide that no further progress toward an agreement is possible.

## **MEDIATION**

Occurs usually when the negotiating parties are approaching or have reached impasse. An impartial third party, a mediator, works with the parties to facilitate the bargaining process by clarifying issues and helping the parties discover areas of possible compromise. The mediator may offer suggestions but cannot force either party to agree to anything.

## **PICKET LINE**

A group of employees who patrol outside the employer's premises and carry signs and leaflets to express their message.

## **INFORMATIONAL PICKETING**

Picketing which serves to inform the public of the union's positions on issues and appeal to the public for support. Informational picketing does not attempt to stop employee services or deliveries. Informational picketing is not a strike.

## **"TEN DAY NOTICE"**

By law, a labor organization must give a health care institution a 10-day advance notice in writing of intent to strike or picket. Ten days will give the facility ample time to scale down operations and to arrange for patient transfer to other facilities, and to stop scheduling elective surgeries. This means you will not be abandoning patients.

## **STRIKE**

An organized work stoppage by employees.

## **ECONOMIC STRIKE**

A strike to put pressure on the employer to meet employee economic demands. Economic strikers may be permanently replaced.

## **UNFAIR LABOR PRACTICE STRIKE**

A strike called to protest unfair labor practices committed by the employer. Unfair labor practice strikers cannot legally be permanently replaced.



# COMMITTEE RESPONSE FORM

Please take a minute to review the purpose of each committee and mark any that you would be interested in volunteering for.

*I would be willing to serve on the following committees:*

- Financial Committee
- Child Care
- Emergency Standby Team
- Internal Communications
- External Communications
- Strike Headquarters
- Job Placement
- Picket Line Coordination
- Other \_\_\_\_\_
- Other \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Street City Zip

\_\_\_\_\_  
Cell Phone Home Phone

I would like to receive calls and/ or text messages from WSNA and its affiliates using automated calling technologies at the cell phone number provided. I understand this is not a condition of my membership in WSNA and I can unsubscribe from these messages.

\_\_\_\_\_  
Best time to call

\_\_\_\_\_  
Personal email

\_\_\_\_\_  
Shift / hours

\_\_\_\_\_  
Unit

**THANK YOU FOR YOUR SUPPORT AND DEDICATION! YOU ARE THE VOICE OF WSNA!**





### UNFAIR LABOR PRACTICE REPORT

Name: \_\_\_\_\_ SS#: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Employer: \_\_\_\_\_ Job: \_\_\_\_\_

Date of this report: \_\_\_\_\_ Date of incident: \_\_\_\_\_

#### FACTS ABOUT INCIDENT

Where: \_\_\_\_\_ Time: \_\_\_\_\_

Names or other ID of managers involved: \_\_\_\_\_

Witnesses? Y/N Names or other ID \_\_\_\_\_

#### CHECK ONE AND FILL IN THE BLANK:

**Threat:** What was said? \_\_\_\_\_

**Questioning:** What was asked and answered? \_\_\_\_\_

**Promise of benefit for not doing union activity:** What was said? \_\_\_\_\_

**Surveillance:** Who did it? \_\_\_\_\_

How did they do it (eyes, ears, camera, tape recorder)? \_\_\_\_\_

**Anything said against the union or strikes?** What was said and by whom? \_\_\_\_\_

**Change in working conditions, rules or policies?** What? \_\_\_\_\_

**Discrimination:** Fill out other side of this form