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STEWARD UPDATE

SOLIDARITY



In Scary Times

An Injury to One: Solidarity in S

Even before the US election, workers in both the US and Canada faced increasing harassment and hate crimes. Between that and the policy environment—from so-called right-to-work laws, to increased penalties for protesting, to budget cuts and safety-net rollbacks—there is a growing urgency for unions and worker organizations to be a source of safety and protection for their members.

Members' identities—including race, gender, immigration status, religion, and sexuality, among others—shape their vulnerabilities and their particular needs for protection. Consider a few examples from the field: a union member's husband threatened with deportation; workers—at work in airports and on mass transport—attacked by passengers; a union member in her job uniform attacked on her way to work; a cashier subjected to racist remarks from a customer.

Unions, of course, exist to create more security for workers—against arbitrary firing, discrimination, unfair wages, etc. In this new political moment, the labor movement faces new questions about how to create more safety and protection for people facing new or worsening threats. This question is for leaders at all levels, from international presidents to stewards: How will you intervene?

Stewards have opportunities to expand protection inside unions, workplaces, and communities. There is no single, simple solution to stopping hate crimes and shifting violent systems. Instead, stewards can:

- 1** Learn about and talk about how and why to intervene.
- 2** Develop a culture of solidarity, including by learning and talking about difficult subjects, and by making connections across your union, across your workplace, and with other organizations that fight for worker justice.
- 3** Remain flexible: everything is changing and context matters. Workers'

other identities affect their ability to take action as workers—being a woman, gay or bisexual, trans, a member of a religious or ethnic minority, or a person of color—may mean that someone is more vulnerable than a straight, cis man might be. (“Cis” means your gender matches the one you were assigned at birth.) Don't assume, but do know how social structures—race, class, gender, etc.—affect your industry, your community, and your workplace.

4 Participate in movements for justice and to oppose escalating violence, in which unions and worker organizations often play a big part. A timely example is the coalition of Portland, OR unions that participated in a demonstration against racism and the “alt-right” in the wake of the murders there in May.

Below we have outlined examples of how unions and worker organizations can intervene at different levels to bolster the safety of members experiencing heightened vulnerability.

In Your Workplace

In January 2017, The Worker Institute at Cornell University partnered with the New York Worker Center Federation (a coalition of worker centers) and Hollaback! (a national organization dedicated to fighting street harassment) to create trainings on self-defense and active bystander intervention for union and worker center members, stewards, and staff. Participants practiced basic self-defense moves as well as defusing confrontations and determining the most effective interventions for particular situations based on real examples from the field. Trainers presented the skills with a power analysis and recognition of how different identities shape both risk and potential responses for victims and bystanders. Many houses of worship and community centers are offering similar trainings, and you could bring them to your union hall. If such trainings are hard to find in your area, organizations like Hollaback! (ihollaback.org) offers resources geared to union

members. Union Communication Services has posted resources at www.unionist.com/upstander.

In short, bystander intervention involves choosing from among the strategies known as the “Five Ds:”

Direct, Distract, Delegate, Delay, Document

“There's no single right way to address harassment, but data shows that intervening breaks the silence that can be so isolating for the survivor, and demoralizing for others,” said Debjani Roy, Hollaback! deputy director. “We find that practicing with a friend or in a workshop makes people more ready to intervene.” Roy offered some do's and don'ts for the Five Ds below.

Direct: intervene by addressing the harasser concisely—“That's inappropriate. Please leave her alone.” Roy suggests: Do remain civil, confident, and calm. Don't escalate the situation further—by using profanity, or insulting the harasser, for example.

Distract: de-escalate the situation by focusing on the person being harassed. Do ask for time, directions, or even just greet the person with a warm smile and a hello. Don't criticize or make suggestions on how to handle the situation in real time—and consider carefully what calling in authorities might mean for the person being harassed. Differential treatment—because of perceived race, religion, immigration status or other factors—is a real and documented fact for many communities.

Delegate: seek help from a third party. For example, if you're more comfortable with Direct rather than Distract, above, ask someone who might be better at consoling to support the person who is upset.

Delay: ensure that the person being harassed is OK and has the time and resources they need to compose themselves. You might ask, would you like me to walk you to your office? Or, can I get you a bottle of water?

Scary Times

Document: use your phone to record the incident with video or photos. Roy notes that it's best to "first see if there is a better and more urgent intervention needed." If not, you document with the purpose of offering it to the person who has been harassed for later use. "Never post it without the consent of the person targeted," she cautioned.

Ask your members what they need to address these issues inside and out of the workplace—such as how to talk about race, gender, or immigration or how to create community safety plans in their neighborhoods. In addition, worker centers are leading efforts to designate "sanctuary workplaces," whether calling for #SanctuaryHomes for domestic workers or #SanctuaryRestaurants for restaurant workers, and for houses of worship to make clear they offer a place people know they can be safe. The AFL-CIO has been distributing posters, which can go on bulletin boards and other spaces designated for union use (you can download and print it at the Unionist above).

In the Union Movement

Meeting members' needs for protection happens many ways, from adopting resolutions to lobbying for legislation to showing up at demonstrations. You can develop resolutions for adoption by your local, your safety/health or racial and social justice committees, or constituency groups like the Asian Pacific American Labor Alliance (APALA), Labor Council for Latin American Advancement (LCLAA), A. Philip Randolph Institute, Pride at Work (PAW), Coalition of Labor Union Women (CLUW), and more.

In another example, the National Union of Healthcare Workers in California declared itself a "sanctuary union," stating that they would prioritize protecting members from deportation as much as they prioritize defending members from management retaliation. They are carrying out this commitment through actions that include: partnering with a law firm that will advise members and their

relatives who risk deportation; reviewing union records to ensure they do not reveal members' immigration status; and refusing to voluntarily share member information with ICE officers. "By declaring itself a sanctuary, our union isn't just making us feel safer—it's giving members a safe space to discuss what's happening in our country and help make a difference," Porfirio Quintano, a member of the union's executive board, wrote recently in *Labor Notes*.

Another example is ATU Local 757's response to the murders in Portland. The local president, Shirley Block, noted that "union leadership will continue to strengthen our relationships with anti-racist, anti-fascist organizations throughout Oregon to ensure people feel welcome and safe aboard public transit..." as well as voicing the union's opposition to additional police on mass transit. "As the men and women who operate, maintain, and know Portland's public transit system the best, we are confident that alternatives to militarization are the wise and just response to transit safety concerns."

These kind of statements of solidarity can help galvanize support across the country, across jurisdiction, and across other lines of division. Marc Rodrigues, an OPEIU member from Florida, told us, "This is amazing and heartening to see. Bravo Amalgamated Transit Union 757.

This is what solidarity and leadership and basic human decency look like."

Freedom Cities

Lastly, unions historically have helped define freedom for our society as a whole. Samuel Gompers, the first president of the American Federation of Labor, famously said, "What does labor want? We want more schoolhouses and less jails; more books and less arsenals; more learning and less vice; more leisure and less greed..." (Gompers was also known for being anti-immigrant; our union grandparents had arguments similar to the ones we have today.) A new worker effort is Freedom Cities, which redefines "safety" as communities, and community members, having the resources they need to thrive. Safety is defined as economic justice, investment in education, health care, and environment, and ending the criminalization of low-income people, people of color, and immigrants. The New York Worker Center Federation launched the Freedom Cities effort in 2017, and it has been expanding as worker and community organizations across the country join and begin to define what it means to make entire cities, towns, and communities safe. Learn more at www.freedomcities.org.

—Arianna Schindle and Zoë West. The authors advise the New York City Worker Center Federation and work with unions locally and internationally through their organization Rhiza Collective.

You're going about your day when you notice someone being harassed about their appearance, race, gender, perceived sexuality, etc. What do you do?

Common Excuses for Inaction

"It's not my problem."
Street harassment is everyone's problem. Even if you've never been a target, the odds are that your loved ones, friends and co-workers have been. Ask them.
If you care about making the world safe for them, it's your responsibility to do something when you see it happening.

"But it's a cultural thing."
Street harassment might be normalized in certain circles, but it's never okay.

"Nobody else is doing anything."
It's that kind of thinking that allows a whole crowd to wait for "someone else" to act.
It takes courage to be the first to speak up for what's right.

"It's harmless, right?"
Verbal harassment can make targets feel uncomfortable, threatened or in danger and can quickly escalate to violence or physical assault.
The effects are very real, to everyone who lives their life aware that they are not safe in public.

"I can't make a difference."
For targets of harassment, the response of bystanders makes a HUGE difference in their day.
While your inaction or reluctance to get involved could magnify the effects of harassment, your actions could interrupt the harassment, support the target and help prevent future street harassment.

New Laws Target Protesters

New laws in the US and Canada, and new use of existing laws, seek to limit protests by workers and consumers. This trend is of concern to advocates of many kinds, and unionists in particular.

Old Strategies, New Laws

While a “strategic lawsuit against public participation” (so-called SLAPP suits) is not a new strategy, advocates are concerned about increasing legal barriers to public dissent, demonstration, advocacy and journalism. Fear of defamation litigation can squelch freedom of speech for activists and journalists, but it also can affect workers who have grievances about their employers—and unions that run public campaigns—just as new laws against protests crop up around the country.

In Oklahoma, the governor signed a new law with harsh penalties for protesters who “trespass” or “tamper” with infrastructure, as well as penalties up to a million dollars for organizations that “conspire” with said protestor. Oklahoma is one of 18 US states that have seen new legislation introduced this year, in the wake of a new wave of disruptive protests around environmental, civil rights, and union conflicts. “In the old days some folks used to jump the fence,” said Oklahoma AFL-CIO President Jim Curry. “But it hasn’t been like that for a long time. We are experienced picketers, and always make sure we have our captains,” and they hope that by following the law they’ll protect unions from ramifications.

In Minnesota, the state AFL-CIO opposed a bill to penalize demonstrators who block highways. In Arkansas,

lawmakers proposed criminalizing “mass picketing.” Proposed legislation in Washington State would make “economic disruption” a felony, the sponsor of the legislation calling protests “economic terrorism.” In fact, the United Nations High Commission on Human Rights noted its concern in March at the trend.

In one high-profile example that crosses the US-Canada border, Resolute, a Canadian company, is suing Greenpeace in US court over its campaign against the company’s logging practices in Canada. Resolute alleges that the environmental advocacy organization is a criminal enterprise engaged in the “dissemination of disinformation, extortion and other tortious and illegal conduct” in order to raise funds.

Unlike new and proposed legislation that would escalate penalties, SLAPP charges are old strategies, which is why 28 states—including Georgia, where the Greenpeace suit was filed—and the District of Columbia have anti-SLAPP laws designed to protect people’s right to speak out. Ontario passed anti-SLAPP legislation in 2015. The logging company is evading those protections by using a law used to prosecute the Mafia, the Racketeer Influenced and Corrupt Organizations Act (RICO). This, too, is a tactic unions have seen before.

Smithfield Foods, Inc. also used the RICO Act to go after the United Food and Commercial Workers amid the workers’ fight to organize Smithfield, a pork processing plant in North Carolina. The workers ran an effective public campaign against the company, reached a settlement and successfully formed their union.

Targeting Individual Workers

In Greenpeace’s suit, several workers who run the group’s forest campaign were named—and served directly with papers.

“It can be intimidating to be personally named in a fat lawsuit,” said Rolf Skar, Forest Campaign Director of Greenpeace USA, in an online video recently released by Greenpeace.

“You’ve got piles of legal papers, you wonder about what’s this going to mean for me, when am I going to have to show up in court, what does this mean for my future? That sort of thing. And 300 million dollars kind of hanging over your head.”

Skar said that he feels Resolute is trying to intimidate nonprofits with fewer resources and others who want to speak out.

“This is all about snuffing out and silencing dissenting voices. And when you do that, you erode public discourse, free speech. And when you do *that*, you endanger the very heart of our democratic society,” he said.

Labor groups, including the National Nurses Union, joined a public statement against the suit, which said, in part, “Attempting to persuade US courts to label environmental advocacy as a criminal enterprise sets a dangerous precedent. [I]t also threatens the basic right to free speech...”

Veteran labor activist Chris Aikin offered the following advice to union stewards and activists:

1 “Be there and be loud with a broad coalition of community members,” when you have a fight to take public.

2 See the big picture: “These are big-stakes fights and while laws and politics may change, our basic commitment to democracy in the workplace and in our country do not,” Aikin said. And, lastly,

3 Know the laws, but don’t be intimidated.

—Erica Pearson. The writer is a veteran reporter who lives in Minnesota.



New Worker Protections

On May 15, New York City implemented first-in-the-US protections for freelance workers—an exciting step forward for workers not covered by collective bargaining agreements or traditional employment law, which leaves them vulnerable to abuse, including wage theft.

While a “freelancer” or “gig economy worker” is often assumed to be a writer, artist, or musician, in reality, all kinds of work can be freelance—including a lot of professions that have a high rate of unionization, such as teaching and nursing. If you’ve ever been asked by a friend or family member who works freelance for work advice (not uncommon for a union steward), there is a new model generated from the labor movement to address these problems. Labor advocates in the US and Canada are hopeful the new model will spread quickly.

In the US, 55 million people work as freelancers, which is about 34% of the workforce. In Canada, 20% of the workforce is temporarily or self-employed. In both countries, workers are mostly without any protections when an employer fails to pay them. The Freelancers Union, a voluntary worker association of US-based freelancers, says up to 70% of freelance workers experience this theft.

New Protections for New Work Arrangements

Protections under the new law, named “Freelance isn’t Free,” include a mandate on employers to pay their freelance workers within 30 days of the completion

of the work totaling \$800 or more (if a date is not specified in writing), creates penalties for not paying and sets a definition for a written contract (templates are available on the website of the City’s Department of Consumer Affairs). In the event of non-payment, a freelancer can file a complaint with the city’s Office of Labor Standards, and the office then follows up with the employer.

Members of the Freelancers Union can also use the organization’s app to find a lawyer to help pro-bono.

“Hundreds of freelancers came to share their stories and stand together with our allies in labor and business to form a powerful coalition to stand up for this issue,” Sara Horowitz, founder and executive director of the Freelancers Union, wrote when the bill passed in October. “Independent

workers are emerging as a powerful political constituency and the passage of the Freelance Isn’t Free Act is the first step in creating a better system for freelancers. We did it—and we did it together.”

Not All Freelancers are Non-Union

The Freelancers Union was joined by many other locals in their advocacy, including the National Writers Union, United Auto Workers (UAW) Local 1981. “We hope this law becomes a model for protecting freelance workers everywhere, and is just a first step in winning full benefits for freelancers, including health insurance, workers compensation and unemployment insurance,” said NWU President Larry Goldbetter.

Canadian Freelance Union President Leslie Dyson agreed. “It is wonderful to

see this. The problems faced by Canadian freelancers are the same as Americans, and more and more people are finding themselves in the precarious position without union protections.” The union, a community chapter of Unifor (Canada’s largest private sector union), advocates for additional protections as well as helps individual workers intervene in instances of non-payment and discrimination.

Many Unions Worked Together

Advocacy for these new rights brought together traditional worker organizations—such as the National Writers Union, locals of unions including the American Federation of Teachers and the Service Employees International Union—as well as worker centers or so-called “alt-labor,” including the Domestic Workers Alliance, civil rights organizations including the Center for Social Innovation, and newer worker organizations, such as coworker.org, which supports worker organizing with an online platform. “With the emergence of this workforce, it is clear that we need to update our safety net and, more importantly, support the growth of institutions that can support freelancers and advocate on their behalf,” said Michelle Miller, co-founder of *coworker.org*.

Freelancer resources

■ (US) Freelancers Union:
<https://www.freelancersunion.org/>

■ (US) National Writers Union:
<https://nwu.org/>

■ (Canada) Freelancers Union:
<http://www.canadianfreelanceunion.ca/>

—Dania Rajendra. The author is director of Union Communication Services.

Independent workers are a powerful political constituency creating a better system for freelancers.



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OPEIU Steward Update is a bi-monthly newsletter for the information and education of OPEIU's dedicated stewards.

Let's Keep in Touch

A few months ago, we asked all our dedicated OPEIU stewards to send us their contact information so we can keep in touch. Many of you responded quickly, but we haven't heard from everyone yet. If you responded, thank you! If not, please fill out the following information and send it back as soon as possible. Thank you in advance for your cooperation:

Name _____
 Local Union # _____
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