

# STRIKE! An issue you may have to decide in the near future

**EDITOR'S NOTE:** "Strike!" As OPEU member John Havery points out, it is a word that is much like war. Both are filled with emotion and with fear. Both promote solidarity among opposing factions. Both are actions that cannot be taken lightly.

Yet both are often misunderstood. Unlike war though, most strikes are authorized by a democratic process. Countries never put the question of war to a vote of its citizenry, but at some point—you the union member—may be asked to decide if a strike is the next weapon you want to use in negotiating a new contract with the State.

It is a decision each union member will have to look at closely, because the process is long and the stakes can be high.

It is a decision that must take many factors into consideration. This article points out many of the positive and negative consequences of striking and takes a look at some of the reasoning that is behind various strike strategies. I hope that, if the time comes, it will help make your decision on whether or not to strike a little easier.

"The strike is a union's ultimate weapon in the bargaining process," says OPEU executive director Thomas Gallagher. "It should only be used in conjunction with contract issues that are of paramount importance to members."

He adds that since 1976, "The position of this union has been to make every possible effort toward responsible negotiations. The result has been contracts that are among the best received by state employees anywhere in the nation."

OPEU's record in negotiating contracts is important to remember. All too often union members feel the only way to get a good contract is to strike. However, a strike is an action union members must be prepared to wage.

Gallagher stressed that a strike decision must be based on widespread discussion of the issues and evaluation of the strike's merits by each union member. "The actual decision on striking must be made by the union members as a united group," he said.

Strikes by public employees must be considered by many standards and rationale—some which are vastly different than those used in the private sector.

Oregon is one of only six states where

strikes by public employees are legal. Rules governing the conditions upon which state workers may strike are well defined and the process to gain authorization for a legal strike is a long one. (An explanation of the statutes governing strikes by public employees is in the accompanying box on this page.)

These restraints on public employees' right to strike are due largely to the tremendous impact strikes in the public sector can have.

"Strikes by public employees have an immediate impact because of the great number of vital services the public is forced to do without," says James Gallagher, an associate professor at the University of Oregon Labor Education and Research Center (LERC). "This is much different than the private sector where management is often able to build inventories in the face of strike threats."

LERC's Gallagher points out that this immediate impact significantly influences the way strikes are settled in the public sector. "Because management is responsible for services that the public has demanded, the final decision to settle will ultimately be based on political considerations, even though economic considerations may be of great importance."

Vince Varnus, an instructor at LERC, points out that these political considerations mean strike strategy of public employees will be unique in many ways.

"Strikes in the public sector must be over serious issues that if not resolved, would be an injustice to the employe," says Varnus. "These issues must then be presented to the

public so that they are understandable and are viewed as equitable and just."

He adds, "The public is not so crass that they view all issues in terms of dollars and cents and taxes. They will look at the merits of the situation."

Varnus also maintains that if a strike in the public sector is to be effective, it should have an "immediate and devastating impact." He adds that strikes by public employees are usually successful only when they last from one day to two weeks at the most. Because wages account for anywhere

from 50 to 80 percent of a government budget, Varnus points out that prolonged public sector strikes mean that the substantial budgetary savings realized from not paying strikers will begin to offset the political pressures from the public. "At this point, management may begin to hire replacement personnel," he says.

Despite the often persistent threats by management that strikers will be replaced, wholesale changes in personnel rarely happen. This is especially true in legal strikes, where hiring replacements is grounds for filing an unfair labor practice.

"Management in state government usually does not want to replace employes because of the high costs of recruitment and training and the losses in productivity and efficiency," says Varnus.

He says that when replacements are hired, it is usually in illegal strikes and is often designed to make examples of employes who are at the front of the strike movement. "You see this most often in strikes by school teachers. However, teachers' unions have been widely successful in getting these employes returned to their positions by maintaining a united front and refusing to

return to work until their fellow members have been reinstated."

A very important consideration in all strikes, of course, is whether or not it will be successful. "Successful strikes usually have an immediate impact on building union morale and solidarity and in increasing membership," says Varnus. "At the same time, management will be forced to make at least some immediate concessions in negotiations and will see the union in a much more credible light in future negotiations."

On the other hand, Varnus points out that an unsuccessful strike can have very devastating effects on a union's morale and immediate and future bargaining positions with management. He adds that in some cases unsuccessful strikes have broken a union or sent members looking for a new representative.

"Unions can only be successful in strikes if they have irreplaceable numbers or if they have irreplaceable skills," says LERC's Gallagher. He suggests that one of the most important considerations in strike strategy will be to determine services that will be eliminated and the political impact of the clientele that will be forced to do without these services.

"In a strike by Humboldt County (California) employes, the political impact of only ten employes was very significant in helping reach a settlement," Gallagher says. "Seven building inspectors were able to close down three major subdivisions (that were under construction) and three agricultural inspectors were able to stop food from being unloaded on the docks. The result was considerable pressure on county manage-

ment from the contractors and the maritime people."

This is not to say that only those clients of agencies with considerable monetary interests need be considered in a strike.

"Just think for a minute about the impact closing down AFS or CSD would have," says OPEU's Gallagher. "This is a very large number of people who know how the system works and how to make it work for them. Their impact could be considerable."

LERC's Gallagher summed up the political aspects of strikes by public employes this way. "The only way you are going to win a public sector strike is if management feels it is politically necessary to settle."

Even so, because strikes are first and foremost a negotiating tool, a union cannot let public opinion totally dictate its position. There are other factors that must be considered.

John Sweeney, president of the Service Employees International Union, maintains that the right to strike is not as important as the threat to strike; that the impact of a credible threat to strike is often enough to break an impasse in negotiations.

The key to Sweeney's theory is that management must perceive that the union is serious in its threat and that it has the solidarity and organization necessary to orchestrate a successful strike.

"If a union uses strike as a threat in negotiations, but never follows through, the impact on members and the loss in credibility with management can be as bad as an unsuccessful strike," says Varnus. "There comes a time when a union needs to show management that it is not afraid to strike and that it has the capacity to do it effectively."

Finally, LERC's Gallagher points out that a strike may be needed to draw public attention to poor management.

"If you are up against inept management (either as negotiators or as administrators of government or both) you may need to strike," he says. "The public may be against you initially—and you'll have to take it on the chin—but this is often the only way you can point out that a change is needed."

## Road to legal strike "long, burdensome"

Oregon is one of six states where strikes by public employes have been legalized. However, this does not mean that public employes can begin to set up picket lines as readily as their union counterparts in private business and industry.

Oregon statutes lay down specific ground rules that must be followed if a strike is to be legal. The rules make the process long and burdensome for public employes.

When no further movement is being made in negotiations, usually after months of bargaining, either or both sides must notify ERB of the issues that they are at impasse over. The Board will then assign a mediator to help settle the disputed areas.

If settlement has not been reached after 15 days of mediation, the dispute

may be sent to factfinding. At factfinding, the issues are reviewed by an impartial observer or panel of observers at a series of hearings. Both parties can introduce evidence and examine and cross-examine witnesses that are pertinent to the dispute.

The factfinders must issue their recommendations on the disputed issues within five days of the last hearing. However, their recommendations are not binding and a 30-day "cooling-off" period is required before the union can give notice to ERB and the State that it intends to strike.

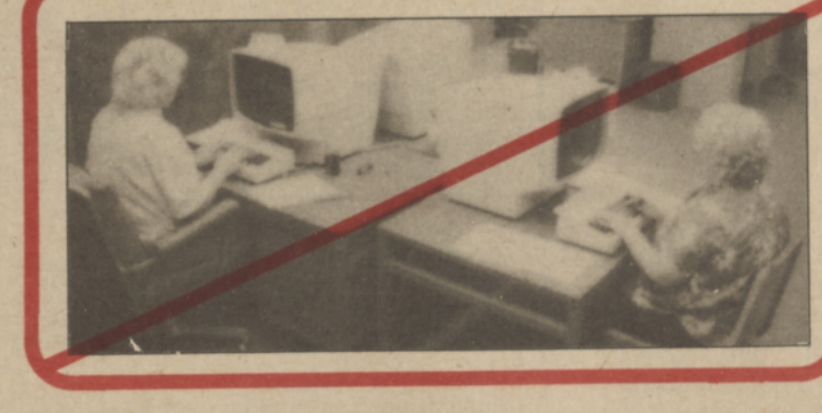
Employees must give ERB and the State at least 10 days notice of their intent to strike and they must specify which issues they are striking over.

Once all these conditions have been

met, state employes may go on strike. However, the State may petition in circuit court to stop the strike, if it can show the strike "creates a clear and present danger or threat to the health, safety or welfare of the public."

If the court rules in favor of the State, the disputed issues must go to binding arbitration within 10 days.

Despite all these guidelines, not all public employes will be allowed to legally participate in strike activity. Oregon law prohibits strikes by public employes who are in non-bargaining units, by guards at correctional institutions and mental hospitals and by firemen and policemen. The law also says that public employes who are not legally striking may not refuse to cross picket lines.



## Early plans may pay dividends

Fellow OPEU member: Just as war is the failure of diplomacy, strike is the failure of negotiation. Strike is an ugly word. No one wants to think about a strike as the consequences of a strike are never good, but without that alternative in the union's arsenal of offensive weapons, there is no bottom line.

I don't know anything that you don't know. Our bargainers have kept us informed, and up-to-date on all negotiation activity. But when all else fails, we may have to use a strike to make any gains at all.

To keep a strike from being economically devastating, you must begin your personal preparations now, long before we may be required to use this weapon. Begin by not making new debts that could be foreclosed in the event of a prolonged

strike. Make big payments on your VISA and Mastercard bills in order to reduce your balance. Avoid new charges if possible. During a strike, make minimum payments and no charges. Start stockpiling nutritious dry foods so that you can maintain yourself and your family. Try to squirrel away some of your monthly salaries in order to maintain your utilities. Make the sacrifice now, when it's easier. Stop driving your car to work, put away the savings. Think of creative ways to keep your head above water.

I know it is not going to be easy, but if you prepare for it and it doesn't happen, you're ahead of the game. If you prepare and it does happen, it won't be devastating.

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