

Labor 101

Working with Unions—A Handbook for Tobacco Activists

WHO



WHERE



WHY



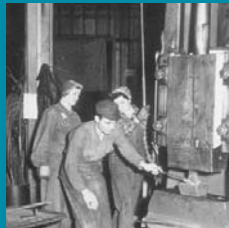
WHEN



HOW



WHAT



Unions and Tobacco

Organized labor can be an important ally in the fight against tobacco. This handbook will help tobacco control activists understand the labor movement and enlist union support for their efforts. It explains what labor unions are, what they do, and how they are structured. It also suggests strategies for communicating and working with labor.

Gaining labor support for tobacco control efforts is valuable because:

- **Unions have access to workers.** This is separate from and usually better than the access employers can provide. Many working people still smoke or use other forms of tobacco. Unions can help you reach them with your message. If, for example, you're trying to reach out to grocery workers, you can go from store to store and try to catch people. However, it's probably more effective to approach their union. Activists, shop stewards, and other leaders in the union can put you in touch with employees at unionized stores throughout the area. And union leaders' support may encourage workers to listen!
- **Unions care about their members' health.** They can be natural allies because they have a vested interest in discouraging tobacco use. While unions work to control members' exposure to toxic substances in the workplace, they also realize that tobacco can have health consequences that are just as serious.
- **Unions have political clout.** They can play an important role (positive or negative) in efforts to change government policies and regulations. Unions are especially concerned about policy proposals that affect their members. For example, they may support new laws that restrict smoking in bars and restaurants because unionized food and beverage workers are concerned about exposure to secondhand smoke.
- **Smoke-free workplace policies may require union "buy-in."** In organized workplaces, unions watch out for changes in the working conditions of their members. Where and whether workers are allowed to smoke is considered a "working condition." If management tries to change this working condition unilaterally, the union will get involved. Because unions are required to protect all their members equally, both smokers and non-smokers, the union will want to have a role in implementing any new tobacco policies.
- **Unions can help spread information beyond the local level.** Although they may seem isolated, each union local is part of a larger statewide and nationwide structure.

Labor 101

Summary of the Key Points

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Millions of California workers are union members. They are men and women of all ages and races. They may work for government or private industry, and are in nearly every type of job. In California, about 17% of all workers are in unions.

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Unions work to improve conditions on the job for their members. Through political action over the years, they also have won many social protections that benefit everyone.

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There are unions and union members all over California, including many city and county government offices. However, most unions have more members in urban and suburban communities. Local unions are typically organized by worksite, trade, industry, employer, or community. Most locals are affiliated with large international unions.

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Unions care about the health risks their members face. Tobacco affects members' health both directly and indirectly. For example, 31% of California construction workers smoke, and many also confront other toxic substances on the job. Tobacco can worsen the effects of these other toxics. Smoking and chewing tobacco also raise costs for worker health plans and shorten the lives of retirees.

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If you have a tobacco issue that involves a unionized worksite, try to bring the unions into the process as early as possible. The workers have chosen the union to represent them, and the union needs to have an equal voice with management. Unions will often fight any policies that management establishes unilaterally.

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Before contacting a union, do your homework. Understand which workers they represent and what their core issues are. Find out which levels of leadership you need to involve. You'll be more successful if you respect labor's culture—have your materials printed in a union shop and never cross a picket line. Tailor your message to a labor audience. Emphasize that tobacco is a toxic just like others in the workplace, and present smoking cessation programs as a union benefit.

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WHO



Who belongs to labor unions in California?

Over two million California workers are in labor unions. They include public workers like teachers and firefighters as well as workers in private industry. Union members work at airlines, retail stores, manufacturing plants, construction sites, hotels, restaurants, and hospitals. They drive trucks, pick crops, help make movies and TV shows, and much more. (Even Mickey and Minnie at Disneyland are union members!)

Union members include “white collar” workers (professional, managerial, or administrative employees); “blue collar” workers (manual or industrial employees); and “pink collar” workers (those in jobs historically held by women like secretaries, teachers, nurses, or librarians). Women make up around 40% of the unionized workforce.

In California, about 24% of construction workers are unionized (over 400,000), while 16-18% of other California workers are in unions (Bureau of Labor Statistics). While not every worker is in a union, unions can be a very useful way to reach workers.

WHAT



What are unions about?

The main purpose of unions is to improve the wages, benefits, and working conditions of their members. Unions also work in the political arena to seek justice and equality for all members of society.

Unions negotiate contracts with employers covering their members. Union contracts may include everything from overtime pay to reducing health and safety hazards. Contracts often are the result of long and hard negotiations between the parties. They are typically updated every few years, and must be ratified by the union membership.

Unions have been and continue to be instrumental in winning and defending many of the social protections we take for granted. Unions push for laws and government policies that benefit all working people—not just their own members. Over the years, unions have fought politically for child labor laws, the 8-hour day, Social Security, Medicare, unemployment benefits, OSHA, workers' compensation, equal pay, overtime pay, employer-provided health plans, and free public education. They have been in the forefront of battles for anti-discrimination laws. Even the idea of the weekend originally came from unions!

WHERE



Where do you find unions and unionized workers?

Union members work throughout California. Although unions are strongest in urban and suburban areas, some big companies like UPS, PG&E, and SBC employ union members statewide. In rural areas, many farmworkers are in unions. Many union construction workers commute from place to place. Also, there are unionized public workers all around the state in government offices, schools, prisons, hospitals, and many other workplaces.

The structure and organization of the labor movement can be complicated. Here's a quick summary of how it works.

- **Local Unions.** Local unions are the basic building blocks of the labor movement. They usually represent workers at a particular worksite, workers in a particular

trade or industry, workers who have the same employer, or workers in the same general locality. Therefore, the size and makeup of locals can vary considerably.

For example, one International Brotherhood of Electrical Workers (IBEW) local represents all the service workers at PG&E statewide. Other locals represent workplaces within the same industry but with different employers, such as a Hotel Employees/Restaurant Employees (UNITE HERE) local that has workers at several hotels in the Los Angeles area. Some local unions represent workers in many industries and are sometimes known as “miscellaneous” unions. Construction workers have a local union for their specific craft (such as plumbers, ironworkers, or electricians) within a defined geographic area.

- **International Unions.** Most local unions are members of large nationwide “international” unions. (Although these are primarily U.S. organizations, they are called “international” because they have members in both the U.S. and Canada.) A local union may also be a member of its international union’s regional, district, or state council.
- **AFL-CIO.** For 50 years, the American Federation of Labor-Congress of Industrial Organizations (AFL-CIO) served as labor’s “umbrella” organization. Composed of the 50-plus major unions and based in Washington, D.C., the AFL-CIO coordinates union activities nationwide, especially political action and organizing. However, as this publication goes to print, a major political split has divided the AFL-CIO, and some of its largest unions have pulled out. These unions

have formed a new federation called Change to Win. The ramifications of the split and how the two union groups will compete or complement each other, nationally and locally, will not be known for months or years.

- **Central Labor Councils (CLC) and Building Trades Councils (BTC).** Local unions join together, usually on a county-wide basis, for mutual support. CLCs and BTCs allow the unions in an area, representing different trades and different internationals, to engage in joint political action and advocacy on the local level. The unions also support each others’ bargaining activities, organizing campaigns, rallies, strikes, etc.

- **California Labor Federation and State Building and Construction Trades Council.** In California, the state AFL-CIO is called the California Labor Federation, headquartered in Oakland, with offices in Sacramento and Los Angeles. The State Building and Construction Trades Council is headquartered in Sacramento. These organizations play much the same role on the state level as the CLCs and BTCs on the local level.

To find the Central Labor Council that covers your county, go to: www.calaborfed.org and click on “About the Federation.”

To find your local Building Trades Council, go to: www.sbctc.org and click on “About Us” then “Affiliated Local Unions and Building Trades Councils.” You can also contact the BUILT project at 916-443-3302.

Glossary of Union Terms

Apprenticeship Program. One unique aspect of the construction industry is that individuals can begin a career with virtually no experience. If they are admitted to an apprenticeship program, they can become a journeyman in one of the construction trades after three to five years of on-the-job experience and specific classroom training.

Apprenticeship programs are state-certified training programs, run by an Apprenticeship Trust Fund composed of union and employer representatives. Because apprentice training programs also teach about health and safety, they can be an important way to give workers information about tobacco hazards.

Contract. The contract (also called a collective bargaining agreement) is a written document negotiated by the union with the employer on behalf of the represented workers.

Contracts cover the terms of employment including wages, benefits, seniority, safety, training, and hours. They help provide stability in wages and working conditions for employers and employees alike. They generally provide a mechanism for dispute resolution, such as a grievance procedure.

Contracts often are the result of long and hard negotiations between the parties. They are typically updated every few years, and must be ratified by the union membership. Some contracts address tobacco issues.

Health and Welfare Trust Fund. Unionized construction workers (and workers in some other industries) get their work through a union “hiring hall.” They don’t have one single employer to

provide their health benefits. For this reason, construction unions and employers have set up what are called “Taft-Hartley Health and Welfare Trust Funds” to provide ongoing health coverage. Usually the employers and unions each appoint several representatives (called trustees) to manage the funds and make decisions. In most cases, a third party oversees daily operations.

In the building trades these funds are trade-specific and are either local or regional. The funds are always looking for ways to keep costs down.

Cessation programs, tobacco education, and “stop smoking” medications are tools for funds to lower costs and foster a healthier workforce. A recent study showed that union members and their families trust the decisions of these funds and will at least listen to their communications. The funds have access to union members via mailings and health fairs.

Strike. A strike is a union’s tool of last resort. Most strikes occur only after months of contract negotiations that can’t produce agreement. A union cannot just call a strike—union members must vote to strike, often by a super-majority of 65-75%.

When workers take the big step to withhold their labor, their employer withholds their pay. Because today’s labor law enables employers to hire “replacement workers,” a strike will only be successful when there is a lot of support from other unions and the public.

Many contracts include “no-strike clauses,” which call for binding arbitration instead of a strike when issues can’t be resolved. This means that a third party will be brought in to make a fair and unbiased decision on the dispute, resulting in fewer strikes.

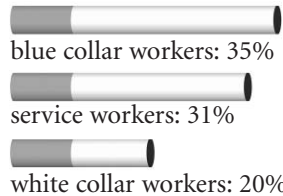
WHY



Why do unions care about tobacco as an issue?

Unions are concerned about the health of their members. In fact, one of their primary missions is to promote and improve members' health. Tobacco affects members' health both directly and indirectly.

Blue collar workers smoke at a higher rate than the general population. A 2000 national survey revealed the following national smoking rates:



A 2001 California survey found that 31% of California construction workers still smoke. As with all smokers, 70% of union members who smoke want to quit.

Unions also realize that workers in the construction industry and

in various manufacturing jobs are exposed to a variety of toxic substances on their jobs. Tobacco use worsens the effects of these workplace toxics on the body, increasing workers' health risks.

Tobacco is also a *health benefits* issue for unions. Tobacco-related diseases account for nearly 10% of costs for joint labor-management health and welfare trust funds (Centers for Disease Control). More money could go into wages and pensions if it didn't have to be used for these expenses. Union leadership has been working with the trust funds and other health plans to include smoking cessation programs and medications in workers' coverage. This is one part of a long-term solution to skyrocketing health care costs.

Tobacco is also a *retirement* issue for unions. The average smoker dies seven years earlier than they would if they never smoked. Union workers invest good money

in their pensions and should have the opportunity to enjoy their retirement years.

The tobacco industry has specifically targeted the labor community. Tobacco industry documents show a decades-long pattern of targeting blue collar workers. This has included advertising gimmicks such as the Marlboro Man and references to the "rugged outdoor look." Tobacco companies sponsor many events attended by blue collar audiences such as car races and rodeos. The industry has even provided samples at union meetings.

Organized labor has taken on the industry by fighting for workplace smoking bans and by educating union members about the health hazards of tobacco and the tactics used by the industry. Several health and welfare trust funds, in California and nationally, have sued the tobacco industry in an effort to recover higher costs caused by tobacco-related illnesses.

WHEN

When should you involve the union?

Whether you are seeking support for a new smoking cessation program, campaigning for a smoke-free workplace policy, or just distributing an educational pamphlet, unions can be your ally if you make them part of the process from the beginning. But they can quickly become an enemy if they feel that they've been left out. In a unionized workplace, never deal with management exclusively. Unions will want a say in what happens in the workplace and should be consulted.

For example, if you try to get management to impose a new work rule without involving the union, you might end up with a fight on your hands that you didn't expect. The National Labor Relations Act prohibits management from setting up new work rules unilaterally. If they do, the union will likely file a grievance. The workers have chosen the union to represent them, and the union needs to have an equal voice.

Union leadership is often reluctant to support smoke-free policies because the union represents both smokers and non-smokers. They don't want to pit one group against the other. However, they do want a say in the policies that are developed. If your approach to union leadership is cooperative and not antagonistic, you'll likely have them working with you to find creative ways to meet the needs of all their members.

If a job site already has a smoke-free policy and a worker contacts you to complain that it's not being enforced, first ask if the worker has contacted the union. If the union hasn't been helpful or if the worker doesn't feel comfortable doing that, the next step is for you to contact the employer and the union.



HOW

How can you work effectively with labor?

Do Your Homework

STEP 1: Identify which unions represent members at the worksite. Some worksites have one union representing everyone, while others have numerous unions representing members in different job categories. (For example, at a university, teachers, administrators, staff, grad students, and building maintenance workers may all be in different unions.)

STEP 2: Learn as much as you can about the specific local you plan to approach. What kind of work do the members do? Where and when do they work? Where and when are meetings held? What international union and labor council is the local affiliated with? What are the most important issues facing this local?

STEP 3: Unions usually have hierarchies, with many layers of leadership. Try to determine who are the key union “players” that you need to work with. Where possible, it’s generally wise to approach the highest leadership—the people with authority to make decisions.

Players may include:

- **Business Manager or Secretary-Treasurer.** This is the union’s decision maker, the person responsible for daily operations of the local. In most cases this person is elected by the members or appointed by the international union. (Building Trades unions usually use the title Business Manager, while non-construction unions generally have a Secretary-Treasurer.) Depending on the size of the local, this person may be easy or difficult for an outsider to access.
- **Executive Board.** This group meets regularly and usually includes the key elected local union officers (president, vice-president, etc.) and other elected officials. The Executive Board has access to all the inner workings of the local and the responsibility to set and enforce local policies. They have great information about the local, its priority issues, and how it adopts and implements new policies. Executive Board members are the second best source of information about the local.
- **Business Representatives, Organizers, and Office Staff.** These paid union personnel generally work for the Business Manager and carry out the union’s work (from organizing to grievances to recordkeeping). They often can be your allies. They also can help you navigate the union’s structure and reach the top leadership.

- **Shop Stewards.** Generally each “shop,” department, or worksite has a steward. This person is either elected by co-workers, or in the case of construction unions, appointed by the Business Manager, and is the members’ first line of defense in dealing with management. If an incident happens at a worksite, the steward steps in first before calling upon union staff or leadership. Dealing with stewards can be valuable because they have good information on contract issues, understand the union, and have a direct line of communication with both members and union leadership.

- **Union Members.** If you plan to work with “rank and file” union members, you’ll want to enlist their support in reaching the leadership. If they can’t get you to the leadership, you may need to find another way. Some locals also have health benefits committees, community service committees, or education committees that can be a good starting point.

Whomever you approach in the union, be sincere and remember to emphasize your commitment to bettering the situation of the union’s members. Plan your approach to the local union leadership carefully. Most locals want to be assured that you have their members’ interests in mind. You will not just walk in and be accepted into their world. Make it clear to them that you know something about the union and have done your homework!

Respect Labor’s Culture

When you work with unions, be aware of some basic labor issues:

- Always have your printed materials produced at a union shop. Make sure there’s a “union bug” on each piece (a symbol showing it’s been produced by a union shop).
- Unions are also sensitive to the “Buy American, Buy Union” slogan, and will always look at where an item was made. A “Made in China” tag on even the best trinkets and give-aways is not popular with union leaders.

- Never cross a picket line. If you see one, you might want to march with the picketers and find out what the issue is and how you can give support.
- Show that you value labor by making unions part of your coalition or advisory committee. This is also a way to keep the labor community informed about your organization, goals, and activities on an ongoing basis.

Aim Your Message at a Labor Audience

Remember that union members are just like you. They want a living wage, good health, respect on the job, adequate health care for their families, and a decent retirement. That should always be your starting point.

Emphasize that tobacco is a health and safety issue that affects unions in a big way. California's workplace smoking ban was supported by labor because it was designed to be a means to keep workers safe from secondhand smoke.

It's also crucial to tie tobacco hazards to the workplace toxics that workers confront on the job. Workers protect themselves from workplace chemicals by using gloves, respirators, and other methods. Yet they take many of these same substances into their bodies when they use tobacco or inhale secondhand smoke.

Smoking cessation programs can be presented as a union benefit. This gives them a better chance of being supported throughout the union. Unions also may want to bargain to include cessation medications and counseling in their health plan coverage. These resources can help control rising health care costs.

Since unions represent both smokers and non-smokers, be sure to address the needs of smokers in your discussions with union leadership.

In all your dealings with the union at every level, be sure to have your facts, figures, and references correct and up-to-date. Union leaders want to see that you know what you're talking about. They don't want just anecdotal evidence. Keep your presentations specific and local.

Some Challenges

Union support is not a “slam-dunk” certainty on tobacco issues. Wages, benefits, and working conditions will always be the top priority for union leaders, and it may be difficult to get their attention on tobacco issues. In some cases, they have actively opposed tobacco bans, especially where management unilaterally imposed them without bargaining or consulting the union.

For example, hotel and restaurant unions have been on both sides of this issue—some have opposed smoking bans because they fear losing revenues and therefore losing jobs, while others have supported the bans because of concerns for their members’ health.

Some union leaders, like their members, also smoke. Still, this is not always an insurmountable challenge because the issue is their members’ health and the financial cost to their health and welfare funds. Like their members, they may even want to quit!

Labor unions have many reasons to become involved in the fight against tobacco. Unions can be valuable allies for tobacco control activists. However, it’s important to approach unions with an understanding of their structure and their issues, so they can become real partners in your efforts.

Some Union Success Stories

- **BUILT**, a project of the State Building and Construction Trades Council of California, has developed a comprehensive approach to reaching unionized construction workers with an anti-tobacco message. It does outreach through Health and Welfare Trust Funds to promote the toll-free California Smokers' Helpline. Trust Funds now offer smoking cessation medications as a covered benefit. BUILT also created a health and safety curriculum on tobacco and other workplace hazards that has been used in apprenticeship programs across the state.
- **The California Labor Federation** co-sponsored California's landmark workplace smoking ban, which was passed by the legislature in 1994. Many other California unions actively supported the law, which covers bars and restaurants as well as other indoor workplaces.
- **The Association of Flight Attendants** was instrumental in garnering support for legislation that banned smoking on domestic flights of six hours or less. This protected their members from prolonged exposure to tobacco smoke.
- **New York's Health and Human Services Employees Union** conducted a successful union-based campaign to increase the New York State tobacco tax. Part of the increase was used to extend health insurance coverage to the uninsured.
- **The Laborers' Health and Safety Fund of North America** runs tobacco control training programs for union members, and has tailored smoking cessation materials to the values and occupational culture of construction workers.
- **The New York State Public Employees Federation (PEF)** negotiated and helped implement joint labor-management guidelines for tobacco control policies covering all state buildings, including mental health and correctional facilities.
- **The Committees on Occupational Safety and Health in New York (NYCOSH) and Massachusetts (MASSCOSH)** work with the Campaign for Tobacco-Free Kids to bring together unions and the tobacco control community to support workplace smoking bans.

Web Resources on Labor and Tobacco

LABOR 101 PROJECT DEVELOPMENT TEAM

Debra Chaplan
Wayne A. Hagen
Cathy Leonard
Paul Doolittle

EDITOR:
Gene Darling
*Labor Occupational Health
Program, UC Berkeley*

DESIGNED BY:
Barbara Nishi

BUILT (a project of the State Building and Construction Trades Council of California). Offers a wide range of tobacco education resources to members of construction unions and the tobacco control community.
www.sbctc.org/built/

Americans for Non-Smokers' Rights. Has a link to an on-line guide, *Smokefree Air is a Union Issue*, which offers guidance about working with organized labor on workplace policies.
www.no-smoke.org/pdf/Smokefree_Air_is_a_Union_Issue.pdf

Association of Flight Attendants. This union, an affiliate of the Communications Workers of America (CWA), was instrumental in pulling together support for legislation banning smoking on airlines.
www.afanet.org

International Association of Firefighters (IAFF). Established a smoking cessation program, "Quitting Your Way," as part of a comprehensive wellness/fitness campaign.
www.iaff.org

Laborers' Health and Safety Fund of North America. Developed tobacco control training programs tailored to the values and occupational culture of the union's members.
www.lhsfna.org

National Education Association. A teachers' union that developed a comprehensive school-based program on tobacco prevention.
www.nea.org

New York Committee for Occupational Safety and Health (NYCOSH). Worked on building union support for both New York City and New York State smoke-free worksite regulations, and maintains links to articles on workplace and tobacco issues.
www.nycosh.org

New York State Public Employees Federation. Negotiated and implemented joint labor-management guidelines for tobacco control policies.
www.pef.org

Organized Labor and Tobacco Control Network. A partnership between the Dana-Farber Cancer Institute in Boston and the Work Environment Department at the University of Massachusetts at Lowell that helps forge collaborations between the labor and tobacco control movements.
www.laborandtobacco.org

WorkSHIFTS. A Minnesota program that actively involves labor leaders in developing materials for union members about health, safety, and economic issues related to secondhand smoke in the workplace.
www.workshifts.org

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State Building and Construction Trades Council

1225 8th Street, Suite 375

Sacramento, CA 95814

916-443-3302

built@sbctc.org

www.sbctc.org/built