**Lesson: Solidarity**

**Lesson Activity 2: Resolve the Problem without a union**

Many people believe that unions are unfair organizations that have too much influence and power over the work place.  Some believe the stories they are told about how unions make unrealistic demands that can sometimes kill businesses.  A very common belief about unions states that they may have been necessary to protect workers in the past, but that now they are not needed any more.

Let’s see if unions are unnecessary by trying to resolve a real world employee/employer conflict without a union.  Read the scenario below then choose a course of action to follow if you were the employee to resolve your problem.

You have worked at Val-Mart, one of the largest “big box” retailers, for two years.  Times are tough economically, there are few jobs out there, and when you started working you were just happy to get a job.  You don’t always get all the hours you need, but are glad you have something.

You are a hard worker and don’t like to cause trouble for your boss.  You figure that if you work hard and show that you are flexible, you might one day be able to get one of the assistant supervisor positions that are sometimes advertised in the break room.  Lately you have noticed some things that are bothering you at work, however.

You know the law says that after working five hours you are entitled to a half hour lunch break, but Val-Mart routinely schedules you and others in the store for six to seven hour shifts without a lunch break.  You spend most of your shift on your feet, stocking shelves, or working a busy cash register.    It can be difficult sometimes to do this without a chance to sit down for a while or grab a bite to eat.  When you asked a supervisor about this issue once, he told you that half hour lunch breaks were only Val-Mart policy if you worked a shift of eight or more hours.

You and others in the store have also noticed lately that your paychecks haven’t been correct.  You have been keeping track of the hours you have been paid and noticed that there are 8-12 hours a month unaccounted for.  When you asked a supervisor about this, he flatly stated that the time sheets were never wrong, and that he checked them himself.

Your fellow workers grumble about these problems, but are afraid to make a fuss.  You think that the problem can be resolved easily if you can get someone to listen.  What will you do?

Outline how you would deal with this problem:

**Note to the teacher:**

**Do not distribute this page until students complete the previous section**

**Solution 1:  Go see the store manager and complain.**

The store manager is a busy man.  People on the floor like yourself usually deal with floor supervisors, but it is not impossible to see the manager.  After your shift one day you knock on his office door and he tells you to come in.

You lay out your concerns to him, he seems sympathetic, but in the end nothing is done.  He claims that if my floor supervisor thinks the time sheets are accurate, he has to back him up.  And as far as the lunch break issue is concerned he claims his hands are tied.  Its company policy and he can’t change it.  When you bring up that it may be against the law, the manager get irritated and says that if you don’t like it here you are welcome to find another job elsewhere.  You know jobs are scarce right now and most that are available are similar to this one.  You leave with your complaints unresolved.

**Solution 2: File a complaint against the company.**

You find out by searching the internet that you are able to file a complaint against your employer with a government agency.  It’s a bit complicated, but you manage to fill out the correct forms and send them in.  You get your complaint arbitration date and see that it’s in six months!  Apparently there is a bit of a back log so you have to wait a while.  When you go back to work after filing the complaint you notice that you have been scheduled for all of the least popular shifts and the supervisors shoot you dirty looks all the time.

You wait till your date; gather all your pay stubs and anything else you can get as evidence.  The company might lose a lot of money if you win.  They might owe compensation to lots of employees.  So when your arbitration date comes, the company sends a lawyer to represent their company.  He talks circles around you and produces all sorts of timesheets and other evidence.  He claims that you were given your correct breaks and were paid correctly.

The arbitrator says that he can’t decide in your favour unless you have other witnesses who will testify.  None of your co-workers were willing to testify because they were afraid to lose their jobs.  It’s the company’s word against yours and the complaint is dismissed.

A week later you receive notice that you have been “laid off” from your job at Val-Mart.

**Solution 3:  Sue the company!**

After nearly a month of secret nagging you manage to finally convince six other employees to sign up with you for a class action law suit against Val-Mart.  You find a lawyer online who will work for a portion of your settlement if you win.  He doesn’t have a big law firm behind him or a lot of resources, but he’s all you and your buddies can afford.

While you are waiting for your court date two of your fellow complainants are mysteriously fired.  They get written up for supposedly not following store policy three times each in one week and are let go.  This is tough on them, as you know there are very few jobs out there.

Your day in court arrives and the company has a four person legal team!  You found out the day before the trial that Val-Mart in just one year alone made 11 billion dollars in profit and that they have a legal budget in the millions, just to deal with complaints like these.  You don’t understand all of the proceedings in the trial but your lawyer looks a little over-whelmed.

The company’s lawyers claim that you and the others are just angry at the company for the “justified” firing of two of our number and that you are looking for an easy payout.  They call some of the Val-Mart supervisors as witnesses who tell the court their procedures for checking time sheets, and they all claim they follow the law in regards to break times.  The judge decides that we have not fulfilled the burden of proof required and dismisses the case.

A week later the rest of your group is fired.

You think this is all too farfetched?  The retail Wal-Mart routinely has done this stuff for years.... ( See **Appendix 3: The Good, the Bad and the Wal-Mart** for more on this story)