



Solidarity

Film Summary: In 1983, Operation Solidarity and the Solidarity Coalition came together in response to a series of proposed bills by the Socred government to stage the largest protest in the province's history.

**Curriculum
Application: Social
Studies 11, Social
Justice 12**

The Essential Question:

What are the ways in which Canadian citizens can influence their government? How can ordinary people affect positive change in a democratic society?

Summary of the Lesson Activities

1. Focus questions for the vignette provide a short lesson option. (15 minutes)
2. A more detailed lesson reviewing the video and provided reading material allows for a greater understanding of the events of the Solidarity movement in 1983. This work can be completed individually or in small groups.
3. The activity "Resolve the problem without a union" provides the opportunity to understand the reasoning behind collective bargaining rights. This is a small group activity.

Learning Objectives

1. Demonstrate an ability to connect labour and human rights tensions of the past with contemporary ones.
2. Demonstrate a historical understanding of labour issues in BC.
3. Explore options for resolving labour disputes and evaluate their individual effectiveness.

Materials and Resources Provided

- [“Solidarity” Episode 3- Working People- A history of Labour in British Columbia](#)
- Appendix 1: Teaching Strategy
- Appendix 2: Solidarity Backgrounder
- Appendix 3: The Good, the Bad and the Wal-Mart
- Lesson Activity 1: Solidarity Worksheet
- Lesson Activity 2: Resolve the Problem without a Union

Additional Suggested Materials

- [Common Cause- a 1984 film examining the events of Operation Solidarity](#)
- [VIU Media Studies. BC's 1983 Solidarity Movement 30 Years On-Something for the Left to Celebrate or best forgotten?](#)

Vignette Questions

1. What events prompted the origins of the solidarity movement in the summer of 1983?
2. Which 3 main groups joined together in the summer of 1983 that would become known as the Solidarity movement?
3. Three major protests took place in the summer and fall of 1983 against the Social Credit government's stripping of legislation; where did these protests take place?
4. What “fear” prompted the provincial government to negotiate with the solidarity movement?
5. Which labour leader negotiated a settlement with the provincial government?
6. Which groups were not satisfied with the settlement? Explain

Lesson Activities

1. The lesson materials are designed to be taught as part of the study of labour relations and social justice within the history of the later part of the 20th century. The materials can be incorporated into Social Studies classes, Social Justice, Law or Political Studies.
2. Appendix 1 provides a detailed overview of suggested strategies for teaching the materials of this lesson
3. Lesson materials can be covered in variety of ways depending on the time available in your course. A short lesson option would cover a portion of the class, the extended version; resolve a problem without a union would take a normal class period to complete. An extension reading for further understanding the role of workers' rights is found in Appendix 3 the Good, the bad and the Wal-Mart with sample questions to prompt student discussion.
4. The 2 video links provided in “Additional Suggested Materials” could be used to compare and contrast how historical events are covered and perceived over time.

Credit: Teaching Activities and Lesson Plan developed by John Decaire

Appendix 1: Teaching Strategy

Lesson: Solidarity

Introduction

This lesson is intended to be used in conjunction with the Social Studies 11 curriculum and could typically be used as part of a Government and Citizenship unit or as part of a late 20th Century history unit.

Main Lesson

To begin the lesson, introduce the topic of “Operation Solidarity” and the Solidarity Crisis of 1983, summarizing the main events of this historical labour-government conflict. See *Operation Solidarity Synopsis* below for a brief overview of these events for the teacher’s information. Hand out the Solidarity Worksheet (Lesson Activity 1) to the class and instruct them to complete question 1 as they watch the vignette, then play the vignette.

After watching the vignette have the class complete the remainder of the questions.

Following completion of the questions; discuss with the class various aspects of the questions. Focus on why (or why not) some of the students believe unions are necessary and whether or not conflict in a democracy is a positive force. The **extension** activity, if chosen will bring this into focus.

Extension (Optional):

Begin this section by posing the question: “Do people in this day and age really need unions? Why should people have a right to unionize, aren’t there enough protections in place already?” Distribute copies of handout “Resolve the Problem without a Union” (Lesson Activity 2) without the section on the three different possible solutions (pages 2-3). Have the class complete the first part, “Outline how you would deal with this problem” individually or in pairs. When the class is finished, discuss some of the options the class came up with, and then disclose what would most likely happen with the three most common ways that have been used to resolve the Wal-Mart problem by reading the different solutions provided on pages 2-3. These scenarios illustrate how difficult it is for individuals to advocate for themselves in large organizations.

Handout the Wal-Mart reading Appendix 3, have the class read all or a portion, and discuss. The reading gives an example of how difficult it has been for non-unionized Wal-Mart workers to get basic legal worker rights and entitlements in the US.

Working People: A History of Labour in BC

Operation Solidarity Synopsis:

In 1983 Premier Bill Bennett's right wing Social Credit government's main priorities were a program of fiscal austerity, or as they termed it "restraint", and the promotion of business and free enterprise interests. To this end, in one afternoon in July, the government introduced 26 separate pieces of legislation, that when passed would severely damage the ability of unions to organize and negotiate on behalf of their members and would strip the province of many regulatory checks that protected worker and human rights interests. Among the many pieces of legislation introduced some of the bills included ones that would effectively remove the rights of government and public sector unions to negotiate on behalf of their members for standards in wages and almost all working conditions, one that would allow any public sector employee to be fired "without cause", a bill that would dismantle the BC Human Rights Commission, another bill that would disband the Employment Standards Board and a bill that would effectively allow any employer to lower the wages of its employees if they simply stated they didn't have an "ability to pay".

In response activist groups banded together with labour unions and began a mass protest movement. The movement started off by holding a rally with 25 000 people in attendance on the lawn of the BC legislature. In August, Over 40 000 people booked off work or called in sick on the same day to attend a rally at Empire Stadium, shutting down some government services and impressing the public with the mass movement display. Protests were held in towns across the province, including traditional Sacred strongholds. Then during the Social Credit convention, 60 000 protesters marched on the convention in downtown Vancouver, surrounding the convention hotel and demonstrating. This was the largest demonstration in BC history, and still holds the record.

When word reached the government that "Operation Solidarity" was discussing the possibility of a General Strike, Bennett finally agreed to meet and negotiate. Labour leader and then President of the IWA, Jack Munroe was chosen to meet with Bennett. After a series of tense negotiations, a deal was struck. Much, although not all, of the proposed legislation was done away with. Many, especially in labour circles were satisfied, many thought that not enough was achieved. Regardless, a General Strike was avoided, and union collective bargaining rights were preserved.

For a more detailed account of the Solidarity Crisis of 1983 read Rod Mickleburgh Globe and Mail article "25 Years Ago: British Columbia on the Brink of a General Strike". (Appendix 2)

Rod Mickleburgh, "25 Years Ago: British Columbia on the Brink of a General Strike," *Globe And Mail*, November 1, 2008,
<http://www.theglobeandmail.com/news/national/back-from-the-brink-25-years-later/article20389444/?service=print>

Appendix 2: Solidarity Backgrounder

Lesson: Solidarity

Back from the Brink, 25 years later

ROD MICKLEBURGH

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It was the night the province of British Columbia stood still.

Twenty-five years ago this month, behind the drapes of Premier Bill Bennett's golden-carpeted, Kelowna living room, the Premier and union leader Jack Munro were engaged in extraordinary, head-to-head bargaining to stave off what was getting closer to an all-out general strike. More than 40,000 government employees were already toughened by nearly two weeks on the picket line. Tens of thousands of teachers and other education workers had been out for a week. And B.C.'s vital ferry system was just hours from being shut down as the next wave in an escalating strike strategy to combat a government onslaught against public-sector unions, social services and human rights that even Mr. Bennett had called doing the unthinkable.

Finally, with the clock ticking toward midnight, the gruff-talking Mr. Munro stepped out on the Premier's darkened patio to announce that a deal had been reached. The few paltry details of the so-called Kelowna Accord contained little sign of government give, with vague promises of consultation, a commitment to keep money saved by the teachers' strike in the education system, and no reprisals. But that was enough for Mr. Munro, supported by other union leaders back in Vancouver, to declare the strikes were over. So ended - not with a bang, but a whimper - one of the most turbulent times and greatest massing of extra-parliamentary opposition to an elected government in this perennially polarized province's history.

"They were truly amazing days," recalled labour-relations expert Mark Thompson at the University of British Columbia. "I knew I was watching history right there. The sheer size of the protests has never been close to being matched, before or since. I've been here 37 years and I've certainly never seen anything like it."

Years later, on the eve of the 25th anniversary of the movement's demise in Kelowna, few who were part of it have forgotten, and emotions over why and how the strikes were called off remain as raw as if events unfolded yesterday.

"No, they sure as hell haven't forgotten," groused Mr. Munro, who became the target of bitter denunciation both inside and outside the labour movement for his role in negotiating peace.

Yet the former president of the then-powerful International Woodworkers of America is unrepentant over the decision to end the walkouts and the reluctance of his and other private-sector unions to join in.

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"It was a serious, serious problem. It would have been a goddamned mess," he said. "You had all these people passing motions for a general strike and none of them was in a union."

"In retrospect, it was a hell of a call. You're damned if you do, damned if you don't. ... But a lot of people were pretty mad at me."

The only mistake Mr. Munro will own up to is talking to Mr. Bennett on his home turf. "It was weird," he said. "We should have gone to a neutral place, in a hotel or something like that. But everyone was in such a hurry."

There are those who believe the protests that banded together as Operation Solidarity, inspired by the *Solidarnosc* fight-back against Communism in Poland, were a high-water mark for B.C. trade unions, never to be approached again.

That viewpoint is shared by Art Kube, the rotund, dedicated trade unionist who headed Operation Solidarity and became the leading public figure of the anti-government crusade. "I wish the thing had turned out better. It would have given the labour movement in the entire country a lot more courage," he said. "There's a saying that you never really lose a strike, but at the same time, the labour movement became a lot more conservative afterwards."

The movement builds

But what a time it was.

Thousands of people who had never before been part of a union were galvanized to join the struggle, believing it was for social justice, not bread-and-butter labour issues. For the first time, unions, community groups and activist organizations set aside their many differences and banded together in common cause.

Over the course of the summer and into the fall, Operation Solidarity captured the public's imagination. Organizers packed 25,000 people onto the lawns of the legislature. "This is bigger than the Queen," said one admiring police officer.

More than 40,000 union members booked off work one day in August and crammed into creaking Empire Stadium. Two months later, just as observers were writing off Operation Solidarity in the face of government intractability, they gambled on one last protest, knowing that a flop would mean surrender.

Instead, upwards of 60,000 people marched through the Vancouver streets to surround a downtown hotel where the governing Social Credit Party was holding its annual convention, the city's largest-ever political demonstration. Equally impressive rallies were held throughout the province, drawing thousands of protesters in such sacred strongholds as Williams Lake, Kamloops and Prince George.

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The explosion had been set off by a breathtaking series of 26 bills, introduced one by one in the legislature on a single, unforgettable day in early July. They wiped out the province's human-rights commission and rent-review office, tightened government control over school boards and colleges, watered down medicare, dropped government enforcement of employment standards, and extended wage controls indefinitely.

The most contentious legislation, Bills 2 and 3, gutted union contracts in the public sector, giving employers the power to fire workers without cause or regard to seniority. Many were let go that very day.

Operation Solidarity took off immediately. Independent Canadian unions sat down with their bitter rivals in the B.C. Federation of Labour. Gays and lesbians discussed strategy with church groups. One prominent activist lawyer was heard to say that his practice was going to seed. "All I do is go to meetings," he said.

"We had book clubs. We studied. We smoked too many cigarettes. We drank too much beer," remembered Frances Wasserlein, a prominent member of a new protest group, Women Against the Budget. "I also recall a lot of pacing and talking at the back of union halls. There were disagreements, but everyone listened."

Activist poet Tom Wayman, who subsequently denounced the Kelowna Accord in a long bitter poem called *The Face of Jack Munro* ("How could it occur/that direction of our struggle/shrank to one man...") said the atmosphere was infectious.

"There was a feeling throughout B.C. that something was happening, that everything was up for grabs. People stopped talking about sports and what was on TV last night. It was heady stuff."

For many, the emotional highlight of the entire campaign took place during the rally at Empire Stadium. After every nook and cranny seemed to be filled, in came the rousing band of the Vancouver firefighters, followed by hundreds of uniformed firefighters marching in step. A roar erupted from the crowd that seemed to go on forever.

"The firefighters risked a huge set of consequences by walking out. Yet there they were," said Ms. Wasserlein, still moved by the memory.

The opposition NDP, meanwhile, staged round-the-clock filibusters in an unsuccessful attempt to halt the bills. At one point, as tempers frayed, party leader Dave Barrett was dragged out of the legislature by two sergeants-at-arms, who dumped him in the corridor on his rear end.

Champagne and bitterness

It took until late October for the government to blink, just a bit. By inserting his savvy deputy minister Norman Spector into exhaustive contract negotiations covering the 40,000 members of the

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B.C. Government Employees Union, Mr. Bennett signalled that he was open to exempting unions from the onerous provisions of Bill 2 and Bill 3.

Still, there was no agreement and the BCGEU hit the bricks on Nov. 1. A week later, the teachers went out, while negotiations continued at the B.C. Labour Relations Board to get the BCGEU a contract and prevent further walkouts. British Columbians held their collective breath.

Diane Woods, a vice-president of the BCGEU and one of the first workers to be fired, said everyone was conscious of the high stakes involved. The tension was palpable.

"It was pretty scary being in that room and thinking what we were involved in. I don't think anyone went through it all without some tear-shedding. I know I broke down from emotion and exhaustion several times."

On the afternoon of Nov. 13, the BCGEU and the government concluded a new collective agreement. Firing without cause was gone. While the BCGEU celebrated with champagne, social activists wondered what would happen to their concerns during Mr. Munro's dramatic meeting with Mr. Bennett.

Basically, they ended up with nothing. When push came to shove, it was a union show. Late in the game, activists learned the hard truth that union leaders were not prepared to sacrifice their members' paycheques for non-union matters.

"The community, the labour movement. It was all so powerful," Ms. Wasserlein said. "We were getting stronger and stronger every day, and then it was trashed. What a waste."

Cliff Andstein, now at the Canadian Labour Congress but then the chief negotiator for the BCGEU, agrees that the final settlement was a bitter pill for Solidarity's activist coalition. But he sees a deeper significance in the struggle, despite the disappointment of the final outcome.

"This was the first qualified success on the continent in combatting or confronting that Reaganomics, Thatcherism ideology that was everywhere at the time," Mr. Andstein said. "It gave heart to the public sector in other provinces. It sent a signal to people that fighting back was possible."

As for Art Kube, who famously told Mr. Munro over the phone at the Premier's house to "get the hell out of there," there are plenty of good memories, but regret at not accomplishing more.

"It came in like a prairie wildfire, and it went out like a prairie wildfire," he said. "We simply didn't have the clout."

Source: <http://www.theglobeandmail.com/news/national/back-from-the-brink-25-years-later/article20389444/?service=print>

Appendix 3 Wal-Mart

Lesson: Solidarity

The Good the Bad and the Wal-Mart

Source: <http://www.workplacefairness.org/reports/good-bad-wal-mart/wal-mart.php>

Introduction

As the nation's largest retailer, second-largest corporation, and largest private employer (with 1.3 million workers), Wal-Mart made headlines this past year at an unprecedented rate. All too often, these headlines revolved around Wal-Mart's infamous employment practices.

While Wal-Mart isn't the only big box store criticized for its policies, it has become a symbol for much of what is wrong with employers. Wal-Mart reported a net income of over \$11 billion last year—surely plenty of money to remedy some questionable workplace practices—yet stories persist about wage law violations, inadequate health care, exploitation of workers, and the retailer's anti-union stance. Altogether, some 5,000 lawsuits are filed against Wal-Mart each year, or roughly 17 suits per working day.

Here's a look back at the year according to Wal-Mart. It's not pretty.

Wal-Mart Documentary: Public Relations Nightmare

November saw the release of the film *Wal-Mart: The High Cost of Low Price*. Through interviews with employees and former managers, the documentary presented a critical view of Wal-Mart's policies, particularly with respect to treatment of Wal-Mart employees. In response to the film's release, Wal-Mart hired several former presidential advisers to establish a "rapid-response public relations team." In December, Wal-Mart formed an advocacy group, called Working Families for Wal-Mart, which was headed by former Atlanta mayor and UN Ambassador Andrew Young.

Unfortunately for Wal-Mart, this public relations campaign hit a snag in August, as Young told the *Los Angeles Sentinel* that Wal-Mart should displace traditional mom-and-pop stores. Young elaborated further: "You see those [small store owners] are the people who have been overcharging us, and they sold out and moved to Florida. I think they've ripped off our communities enough. First it was Jews, then it was Koreans and now it's Arabs." Young resigned hours after the interview was published.

Anti-Union Stance

Wal-Mart's anti-union stance made headlines once again this year. After workers at a Wal-Mart store in Québec successfully unionized, Wal-Mart announced that it would close that store, citing "economic reasons." Last September, Québec's labor relations board rejected Wal-Mart's argument and found that Wal-Mart's firings were illegal.

Wal-Mart employees had some success this past year in organizing non-union groups. In the fall of last year, Wal-Mart employees in central Florida formed a workers group, the Wal-Mart Workers Association, in an attempt to improve working conditions and air

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grievances against the company. By January, the group had enlisted approximately 300 employees from 40 stores. The United Food and Commercial Workers (UFCW) Union is among the sponsors of the new group. So far, the group has been able to restore hours cut by the store, reinstate a fired employee, and get the company to install a bike rack—all through non-unionized collective action campaigns.

In November of last year, Wake Up Wal-Mart, a UFCW-sponsored group critical of the retailer, formed a national association, called the Wal-Mart Workers of America, in an attempt to organize Wal-Mart workers, albeit without forming a union.

In January, the 8th Circuit Court of Appeals handed Arkansas Wal-Mart employees a victory, reinstating a lawsuit alleging that Wal-Mart engaged in anti-union activities.

In August, at the same time Wal-Mart was agreeing to work with Chinese officials to establish unions for 30,000 store employees, the retailer reaffirmed its anti-union stance in North America. Wal-Mart explained that its motivation for permitting unions in China was to comply with Chinese laws, while the company's critics argued that the move was not done for the interests of workers and instead only demonstrated Wal-Mart's desire to please its biggest trading partner.

Exploitation of Workers

Last September, the International Labor Rights Fund filed a class-action lawsuit against Wal-Mart for violating workers' rights in foreign countries, alleging that Wal-Mart denied minimum wage, required overtime, and punished union activity. In some cases, workers alleged they were beaten by supervisors. If certified, 100,000 to 500,000 workers could be included. Specifically, the suit alleged that one Bangladesh worker worked seven days a week from 7:45 a.m to 10:00 p.m. without a day off in six months.

In another instance, Wal-Mart was accused of failing to provide adequate safety equipment (gloves) for its fabric cutters and seamstresses overseas. According to one report, in Wal-Mart's cost-benefit analysis, it was cheaper to wash workers' blood from clothing before shipping the clothing overseas for sale than it was to provide gloves.

In any event, Wal-Mart appeared to take notice of the public outcry over rights exploitation. In October of last year, Wal-Mart announced that it would start holding suppliers more accountable for workers' rights violations. In March, it was reported that Wal-Mart was increasing the number of unannounced inspections at foreign factories. Critics urged the retailer to use outside experts to verify the inspections.

In November, the Office of Inspector General released a report critical of the Department of Labor's settlement agreement with Wal-Mart over child labor violations, claiming that the Department made "significant concessions" and that "serious breakdowns" in the negotiation and approval of the agreement were present. Under the agreement, Wal-Mart was fined \$135,540 for child labor violations occurring between 1998 and 2002. Lawmakers and child advocate groups questioned the agreement's provision that Wal-Mart would receive 15-day advanced notice before certain stores would be investigated.

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When Hurricane Katrina hit the gulf region, Wal-Mart contributed \$17 million to the relief effort, in addition to more than \$3 million in merchandise, which led one commentator to observe: “A company capable of operating in such a coordinated, humane way should do so not just in a disaster but every day. There is no reason Wal-Mart could not operate in an equally streamlined, well-organized manner to make sure that labor laws (on overtime, child labor, discrimination) are followed. There is no reason its impressive resources could not be marshaled to remedy the daily, ongoing disaster that so many of its workers face: low wages and inadequate healthcare.”

In November, a federal agency affidavit revealed that Wal-Mart executives were aware of systematic hirings of illegal immigrants by Wal-Mart’s cleaning contractors. In 2003, immigration officials conducted a raid on 60 Wal-Mart stores in 21 states, arresting 245 workers. Wal-Mart settled the case for \$11 million in March of last year, but claimed that corporate executives were unaware that illegal immigrants were hired.

Wage Law Violations

In California, some 116,000 Wal-Mart employees joined in a class-action lawsuit against the retailer, claiming that Wal-Mart violated a California law requiring employers to provide an unpaid 30-minute lunch break to employees who work at least six hours. In December, three days before Christmas, California Wal-Mart employees prevailed on their claims in front of a jury, collecting \$57 million in compensatory damages and \$115 million in punitive damages. The California verdict came on the heels of a \$50 million settlement in Colorado and a separate victory in Oregon. By June, however, lawyers of Wal-Mart employees were back in court, asking for an injunction to compel Wal-Mart to follow the same state lunch-break laws. A California judge has since ordered the retailer to obey these laws and provide compliance reports for the next 3 years.

Similar wage and hour class-action suits were filed in other states against Wal-Mart. In January, a Pennsylvania judge certified a class-action lawsuit against the retailer that alleged that workers were not compensated for hours worked—in one instance, one employee claimed 8 to 12 unpaid hours a month, on average. Wal-Mart denied the allegations, which could include 150,000 Pennsylvania workers, claiming that “Wal-Mart’s policy is to pay associates for every minute they work.” This innovative and progressive Wal-Mart policy was first revealed when Wal-Mart CEO Lee Scott made a similar statement in the documentary *Wal-Mart: The High Cost of Low Price*, which drew the following response from Jon Stewart, host of the television talk show “The Daily Show”: “That’s the best you can do? ‘If you work here, we’ll pay you.’”

Meanwhile, in April, Wal-Mart announced plans that it was testing a “flexible scheduling” policy, which would require workers to shift rotations instead of having steady shifts. Workers claimed that the policy was designed to force full-time workers to change to a part-time schedule, thereby saving Wal-Mart the cost of salaries and benefits.

In May, California Wal-Mart managers were dealt a legal setback when a federal judge refused to certify a class-action lawsuit, saying that the managers’ claims needed to be

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addressed individually. The lawsuit claimed that managers were illegally exempted from overtime pay.

By the end of the year, the many lawsuits and public outcry seemed to have a slight effect. In August, Wal-Mart announced that it would raise starting wages at one-third of its stores by about 6% in an effort to stay competitive with other retailers.

Just weeks after this announcement of a modest pay raise, Wal-Mart was once again making headlines for all the wrong reasons—this time for a Texas class-action lawsuit alleging hour and wage law violations. After letters were sent to Wal-Mart employees inviting them to join the class-action suit, some Wal-Mart store managers allegedly pressured employees, by threat of termination, to hand over the invitations and sign a statement saying that they did not work off the clock. Lawyers for the Wal-Mart employees have requested that a federal judge order that Wal-Mart cease this practice.

Health Care

Last October, Wal-Mart announced that it would introduce a cheaper health insurance plan for employees, with monthly premiums as low as \$11. Critics questioned whether Wal-Mart was attempting to boost its sagging image by offering health care to more workers while neglecting the quality of the health care itself.

Later that month, an internal memo from a Wal-Mart executive recommending numerous ways to reduce health care spending was discovered by the *New York Times*. The memo noted that Wal-Mart workers were “sicker than the national population” and tended to overuse emergency rooms instead of visiting doctors. Among the memo’s recommendations to reduce health care spending: Discouraging unhealthy people from working at Wal-Mart; one way to accomplish this goal: require that all jobs involve some physical activity...[...].and by hiring more part-timers. All told, as a result of these recommendations, Wal-Mart estimated it would save more than \$1 billion in health care costs by 2011.

In February, the *New York Times* also revealed several candid internal discussions between Wal-Mart CEO Lee Scott and Wal-Mart managers on a private website. When one Wal-Mart manager asked the CEO why the company could not provide medical retirement benefits, Scott snapped back that the manager was disloyal and suggested that the manager quit.

In April, the Change to Win labor federation staged demonstrations in 35 cities to protest Wal-Mart’s inadequate health care, with up to 350 protesters reported in Los Angeles and Portland, Oregon.

Perhaps the most significant development over the last year involved attempts by state and city governments to mandate health care for Wal-Mart employees. At the beginning of 2006, the *New York Times* reported that lawmakers in 30 states were considering legislation that would require large corporations to increase spending on employee health insurance. Maryland would be the first to enact such laws.

In January, Maryland legislators passed the Fair Share Health Care Fund bill, overriding Governor Robert Ehrlich’s veto. The law requires private companies with more than 10,000

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employees to spend 8% of their payroll on one of three options for health care: spend the money on health care directly; spend the money on an improved ERISA plan; or pay the money to the state for health care costs. Maryland was the first state in the country to pass such a bill, unofficially dubbed the “Wal-Mart bill” because the company was the only one of the four employers in the state which had 10,000 employees but which was not already spending 8% on employee health care.

Workers’ rights advocates hailed the bill’s passage and, in an attempt to bolster momentum for employee health care, urged other states to pass similar bills.

In July, however, supports of the movement were dealt a setback when a federal judge invalidated the law, holding that it was preempted by federal law (ERISA). While the ruling only affected the Maryland law, thus preserving similar laws passed in Massachusetts and Vermont, it likely halted states’ efforts to require large employers to provide employee health care. Despite its invalidation, the law did have one positive outcome, as its passage and the ensuing litigation spurred much public debate on the health care issue.

Meanwhile, Chicago was the other major battlefield between Wal-Mart and its governmental critics. In July, the Chicago City Council passed an ordinance, by a 35-14 vote, that would require “big box” stores to pay a minimum wage of \$10 an hour by 2010, along with \$3 worth of benefits. A “big box” store is defined as a store with more than 90,000 square feet that is part of a company that grosses more than \$1 billion annually. The 35 supporting votes would be enough to override a veto by Mayor Richard Daley. Daley has until September 13 to decide whether to veto the bill, which would be the first veto in his 17-year tenure. Experts believe this type of bill could spread to other communities outside of Chicago, much in the same manner as the Fair Share bill.

Questions for Discussion:

Can an individual go up against a large corporation to protect his rights and win? In the instances where people managed to win against Wal-Mart for unfair work practices, were they able to do it on their own as individuals?

Why might it be difficult for a wronged worker to get compensation from their employer? What might the worker be afraid will happen to them?

Who has more resources and money, a large union or a corporation like Wal-Mart or MacDonald’s? Where do unions get their money? Where do corporations get theirs?

Lesson Activity 1: Solidarity Worksheet

Lesson: Solidarity

"Solidarity" Worksheet

While You Watch....

1. From your observations of the video, in what different ways do people try to push back at what they think are unjust actions by the government?

After Watching....

2. In a democracy, why is it important to be able to have different methods of influencing or changing government action other than just voting? Use examples from the vignette if you wish.

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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:

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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.

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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)