

Mobilizing for Bargaining Power at AT&T Mobility

updated Nov. 2, 2012



*Communications Workers of America
Telecommunications & Technologies Office*

PART 1: HOW DOES COLLECTIVE BARGAINING WORK?

Collective bargaining is a process of formal negotiation that takes place between Union and management representatives for the purpose of determining wages, benefits, and working conditions for all workers in the bargaining unit.

The process is governed by federal law and by previous agreements between the Union and the company. Answer the 10 questions below to the best of your ability.

Task: Collective Bargaining Quiz #1

True or False?	Answer
1. Federal law (the National Labor Relations Act or NLRA) requires management and the union to resolve issues through collective bargaining.	
2. The company may communicate directly with employees about proposals it has made in negotiations.	
3. Employers may not attempt to discourage membership support for the union negotiators.	
4. Once the union and management bargaining committees reach a tentative agreement on a particular issue, that agreement goes into effect.	
5. The notes taken by company and union negotiators can affect how a contract provision is implemented or interpreted.	
6. The company has its own agenda in negotiations.	
Multiple choice	
7. When can an employer implement new terms and conditions of employment? a) As soon as the contract expires b) When the union and management reach impasse in negotiations c) When employees go on strike d) At any time	

8. Which of these happens at the bargaining table? (Choose one or more)
- a) The union and the company give written proposals to the other side
 - b) Members of the union bargaining committee debate the company's proposals among themselves
 - c) The union and management committees explain their proposals

9. Which of these are unfair labor practice under the NLRA? (Choose one or more)
- a) Refusing to supply information requested for bargaining by the union
 - b) Refusing to negotiate over a mandatory subject of bargaining
 - c) Permanently replacing economic strikers
 - d) Engaging in "surface bargaining," or just going through the motions

10. Categorize the following bargaining subjects as "mandatory" or "permissive" (voluntary):
- a) Wages
 - b) Health care benefits for already-retired employees
 - c) Neutrality in future organizing campaigns
 - d) Work schedules
 - e) Benefits for employees who will retire in the future
 - f) Overtime and differentials

CWA Contracts with Mobility

Contract	States	Expiration	Members	Represented
Orange	<ul style="list-style-type: none"> ▪ CT, MA, ME, NH, NJ, NY, RI, VT (District 1) ▪ DC, DE, MD, PA, VA, WV (District 2/13) ▪ IL, IN, MI, OH, WI (District 4) ▪ AK, AZ, CO, IA, ID, MN, MT, ND, NE, NM, OR, SD, UT, WA, WY (District 7) ▪ CA, HI, NV (District 9) 	2/9/2013	16,285	21,126
			<i>77% organized</i>	
District 6 (Purple)	TX, MO, OK, KS, AR	2/24/2016	5,536	8,986
			<i>62% Organized</i>	
District 3 (Black)	AL, FL, GA, KY, LA, MS, NC, SC, TN	2/7/2014	5,438	10,783
			<i>50% Organized</i>	
Puerto Rico (Green)	Puerto Rico (District 3)	2/7/2014	787	999
			<i>79% Organized</i>	
TOTAL			28,046	41,894
<i>67% Organized</i>				

Legal Basis of Collective Bargaining

The National Labor Relations Act (NLRA) gives workers the right to:

- Organize and join unions
- Bargain collectively
- Act in concert (collective actions)
- Exclusive representation

Section 7 of the NLRA states:

“Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives or their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid and protection.”

(Note: The NLRA covers most private sector employees in industries other than airlines, agriculture, and domestic service. Public sector workers are covered under federal, state and local collective bargaining laws.)

Subjects of Bargaining

The NLRA defines subjects of bargaining as mandatory, voluntary (also called “permissive”), or illegal.

Mandatory subjects of bargaining:

(Neither the union nor the company can refuse to negotiate over these subjects.)

- Wages & hours (including overtime, differentials, and profit sharing)
- Health care and retirement benefits for active employees
- Sickness & disability
- Days off
- Working conditions (including breaks, health & safety, and dress codes)
- Union privileges (including union leave and bulletin boards)
- Strikes/lockouts

Voluntary subjects of bargaining:

(Either party can raise these issues, but the other side isn’t required to negotiate about them. They cannot be the **sole** basis for a strike or lockout.)

- Benefits for current retirees
- General business practices
- Selection of supervisors
- Neutrality or card check clauses
- Strike settlement agreements (such as negotiating return to work for workers disciplined during a strike)

Illegal subjects of bargaining:

(Parties may not negotiate these.)

- Closed shop agreements (these are governed by state law)
- Classification or treatment of employees on any basis proscribed by law (such as race, sex, age, or, in some states and cities, sexual orientation.)

Bargaining in Good Faith

Both the union and the employer are required to bargain “in good faith.” The law doesn’t require the parties to reach an agreement, but it limits obstructive tactics management can use.

If management resorts to these tactics, the union can file unfair labor practice (ULP) charges with the National Labor Relations Board (NLRB). Examples:

- Refusing to supply information requested for bargaining
- Refusing to meet at a reasonable time
- Refusing to abide by ground rules
- Attempting to bargain directly with the members
- Unilaterally changing wages, hours, or working conditions before reaching impasse in bargaining or without talking to the union first
- Attempting to discourage membership support for the union negotiators
- Withdrawing approval of particular parts of the contract
- Refusing to negotiate over a mandatory subject of bargaining
- Engaging in “surface bargaining,” going through the motions of negotiating but taking positions that clearly could never be the basis of give-and-take bargaining.

Under certain conditions, the union can call a ULP strike, which is governed by different rules from a standard economic strike.

Mechanics of Negotiations

Opening statements

On the first day, both sides offer an opening statement.

The employer's opening statement is usually designed to lower the expectations of the Union bargaining committee. For example, management will highlight lower profits, increased competition, technological changes, etc.

The Union's opening statement is usually designed to raise the expectations of management by referring to increased profits, productivity, and the membership's commitment and high degrees of interest in resolving priority issues in the negotiations.

At the table

- Pass written proposals across the table
- Pass written information requests across the table (or send by mail or e-mail)
- Pass written counterproposals across the table
- Have experts come to table to answer questions, explain proposals, etc.
- Discuss proposals and suggest changes
- Reach tentative agreements, often issue-by-issue
- Keep detailed notes

Away from the table

- **Caucuses:** Union bargaining committee members discuss responses to company proposals, possible follow-up questions, information requests, or counter-proposals and strategize about next steps. They discuss differences of opinions, especially when management has used statements or proposals to try to divide and conquer by appealing to special interests of different worker subgroups.
- **“Off table” discussions** with the company allow the parties to discuss issues more freely because they don't become part of the bargaining history that can affect how an agreement is implemented.
- **Information:** Analyze info received from company, members, outside experts, and the CWA Research Department
- **Meetings** with local officers not on bargaining committee, CWA staff, and District officers
- **Write bargaining reports**

Last hours of bargaining

Bargaining begins weeks or months before contract expiration. A reality of bargaining is that most of it takes place during the very last hours of negotiations. It's just the nature of the beast.

Members often don't understand this aspect of bargaining and get frustrated with the union for "waiting until the last minute" to tell them if there is a contract settlement.

Bargaining reports

Bargaining reports are always a source of frustration for members. Understandably, they want a lot of information on what's happening at the bargaining table. There are several reasons reports generally aren't detailed:

- We don't want the company to know the details of internal debates among union bargaining committee members.
- The union bargaining committee is constantly considering what combination of issues it will take to satisfy the membership and what package might make management most likely to accept members' priority issues.
- Sometimes, especially toward the end of bargaining, time spent in caucuses and off-table discussions may be longer than time spent at the table. Progress is being made, but the details of the discussions are not on the record.
- The first responsibility of any bargaining committee is to negotiate the best possible agreement for members. Issuing detailed bargaining reports may actually hamper that goal, as frustrating as it can be.

Options at Expiration

Predictable players are the easiest to beat. In bargaining, the more options we have, the stronger we are. At contract expiration, the union and the employer have a number of options to choose from:

- Settle
- Stop the clock (push the expiration time back by a few hours or 1-2 days; continue negotiations)
- Extend the contract to an agreed-upon date (usually days or weeks)
- Work without a contract
- Strike
- Lockout

If members continue to work with or without a contract, tactics such as work-to-rule, product boycotts, and corporate campaigns can increase pressure on the employer. The option to strike remains, so the employer doesn't know what we might do next. Work-to-rule tactics require a disciplined and mobilized membership. Continuing to work after contract expiration can put more pressure on the employer than a strike—especially in the short term.

PART 2: CWA BARGAINING PROCESS

In addition to the legal framework for negotiations, CWA has its own internal process governed by the CWA Constitution.

What Does It Take to Call a Strike?

CWA Authorized Strike Process

(For complete CWA Authorized Strike Process, see Uniform Operating Procedures Manual (UOPM), Section 13, available in the <http://files.cwa-union.org/for-locals/uopm/Section13.pdf>)

Calling a strike requires three steps:

- Step 1: Secret Ballot Strike Vote by the Members of the Bargaining Unit**
- Step 2: Strike Request Authorization Made to the Executive Board**
- Step 3: The CWA President Sets the Strike Date**

In step 2, the responsible Vice President must request authorization from the National Executive Board and must provide information and analysis to the board, including:

- Bargaining status
 - How many bargaining sessions have been held?
 - Date of last bargaining
 - Dates of future bargaining sessions
 - Summary of bargaining (include specific management demands and proposals that are major problems)
- Strike vote and preparation
 - Is local in legal position to strike?
 1. Have the legal notices been properly given?
 2. Have the notices required by the contract been properly given?
 - Is the bargaining unit in the public or health care sector?
 1. If the unit is a public sector, what is legal authority to permit a strike if the President sets the date?
 2. If the unit is governed by the health care requirements of the NLRA, has notice been provided?
 - Has local set up strike and welfare assistance machinery in accordance with CWA rules?
 - Has a request for a Defense Fund Grant been made?
- Bargaining status/power analysis
 - Describe the nature of the work performed and the ability of the employer to secure alternate/replacement skilled workers
 - What is our strategy if permanent replacements are hired?
 - Can the work be transferred to another plant or facility?
 - Have Labor Board charges been filed?
 - Are there other unions with contracts with the employer?

1. What are their contract expiration dates?
 2. Have they been contacted?
 3. Do they have the same issue/issues?
 4. Do you have copies of their agreements?
- Mobilization Assessment
 - Does the local(s) have a mobilization structure? If yes, describe.
 - Provide specific summary of membership/community mobilization actions to date, including the number or percentage of members participating in actions. List type of actions and provide numbers of projects and outcomes (For example, if a letter writing campaign is underway, provide the number of letters sent. Quantify actions as much as possible.)
 - Is the employer or this product subject to
 1. community pressure?
 2. Product boycott?
 3. Shareholder/investment community pressure?
 4. Does the employer contract with state or Federal government?
 5. Does the employer enjoy any tax or other governmental subsidies?
 6. List any allies or partners who are supporting this campaign and specifically what they have committed to do
 7. What is the business plan/focus for employer/parent; how does this location relate to the overall employer?
 - Strike Tactic Assessment
 - Why do you think a strike will be successful?
 - How long do you estimate it will take for a strike to be successful or have an economic impact on the employer?
 - How long do you estimate members will strike?

In Step 3, the responsible Vice Presidents and the President discuss the bargaining status, strategy and tactics, with the President to set the strike date. An affirmative vote of the Board authorizes the President to set the date for a strike, however, no strike is authorized until a date is set by the President.

How Do Members See Bargaining?

Task: Collective Bargaining Quiz #2

Answer each of the following questions, then give the answer you think the typical member would give.

True or False?	Your answer	A typical member's answer
1. The company has resources like lawyers, research experts, and actuaries at its disposal, while the union bargaining committee is on its own.		
2. The company has its own agenda in bargaining.		
3. Striking is the only option open to a union at contract expiration		
4. Protecting past gains is a win.		
5. The members of the union bargaining committee are responsible for: <ul style="list-style-type: none"> - Attending negotiating sessions and union caucuses - Composing information requests - Analyzing the company's responses to information requests - Taking notes on every discussion at the bargaining table - Writing bargaining reports for members 		
6. Demands come from the members and are presented by the committee.		
7. Every negotiation takes place in its own political and economic environment.		
8. The company can't change any wages, benefits, or working conditions until an agreement is reached.		
9. The company sends decision-makers to the bargaining table.		

Task: What do members need to know?

In your small groups, answer the questions below. Choose one person to be the facilitator and recorder who will make sure that everyone participates in the discussion, record your answers, and report back to the entire group.

Does it matter how members picture what goes on during negotiations? Why or why not?

Which three points from the quizzes (#1 on page 1 and #2 on page 12) are most important to communicate to members?

1.

2.

3.

Are there other assumptions related to bargaining that we should address? What are they?

PART 3: CONTEXT FOR BARGAINING

Task:

Let's consider how the current economic and political climate will affect bargaining. In your small groups, review the information on pages 16-20. Discuss what conclusions can you draw from this information. Which of these pages would be most important to show to your co-workers? Why?

Remember to choose one person to be the facilitator and recorder who will make sure that everyone participates in the discussion, record your answers, and report back to the entire group.

Page _____

Why is this page the most important to show to your co-workers?

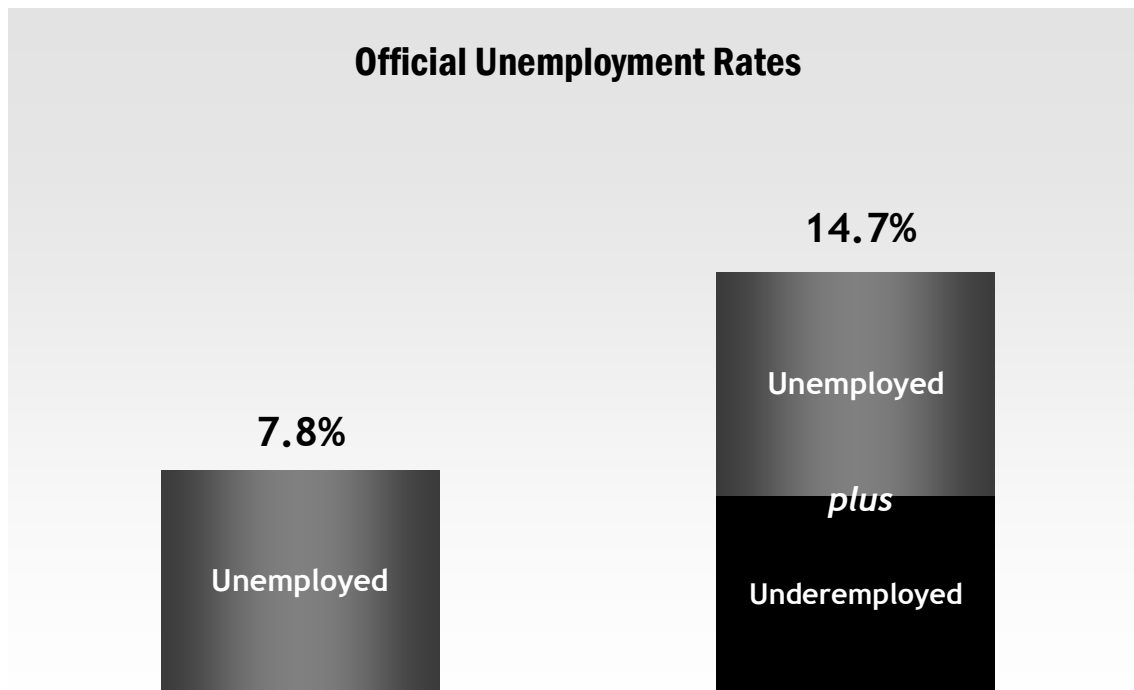
The Decline in Union Density

Today, less than 7% of workers in the private sector are represented by unions.



Almost 15% of Americans Are Underemployed

Slow job growth has begun to chip away at the unemployment rate. Even so, the official unemployment rate is 7.8%. When you add in the rest of the “underemployed”—including people who settle for part-time jobs because they can’t find full-time jobs and people who are so discouraged they’ve given up actively seeking a job—the rate is 14.7%.



Source: Bureau of Labor Statistics, September 2012

Source: U.S. Bureau of Labor Statistics, <http://www.bls.gov/news.release/empst.t15.htm>

Recent Wage Settlements

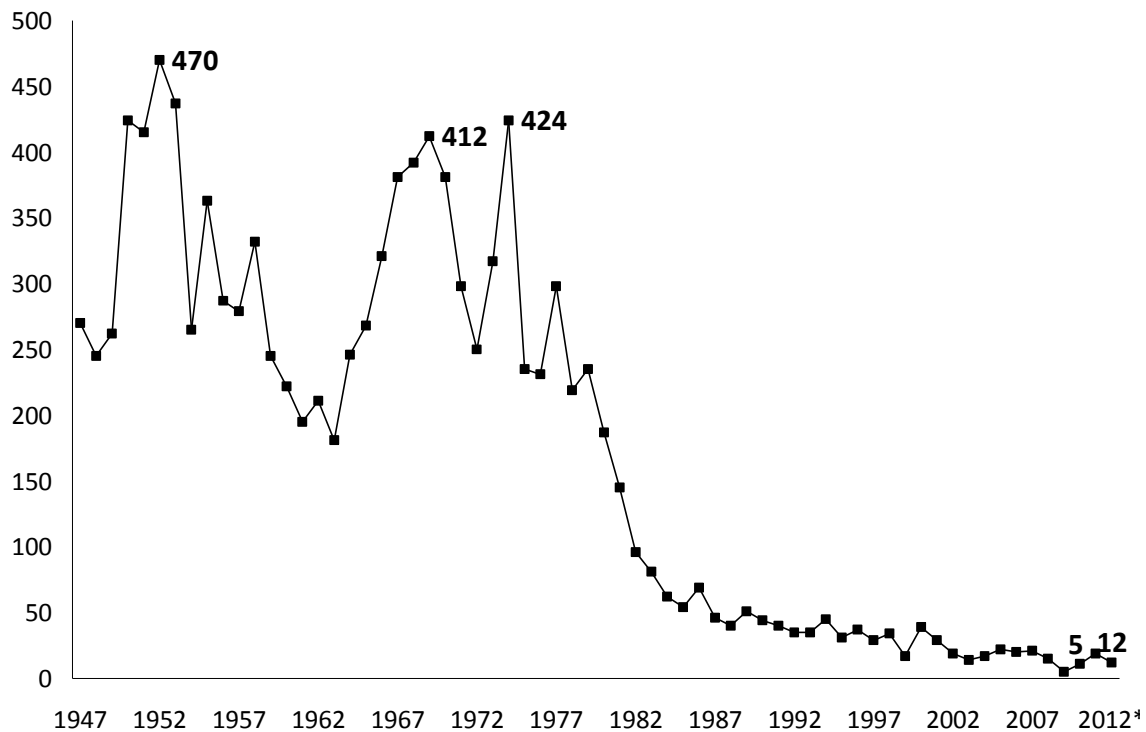
2011-2012 Major Wage Settlements

Date	Company	Union	No. of Workers	Contract Term	Increases Over Term of Contract	Average Annual Increase
Oct 2012	Verizon - Mid-Atlantic & NYNE	CWA	35,000	4 years	8.0% (2.25%; 2.75%; 3.0%); \$800 ratification bonus	2.7%
Aug 2012	AT&T - Midwest & Legacy	CWA	19,400	3 years	8.0% (2.25%; 2.75%; 3.0%)	2.7%
Aug 2012	Con Edison	UWUA	8,500	4 years	10.5% (2.0%, 2.5%, 3.0%, 3.0%); \$1,200 ratification bonus and \$600 lump sum bonus in 2013	2.6%
Jun 2012	New Jersey State Workers	CWA	40,000	4 years	2.75% (0%, 0%, 1%, 1.75%)	0.70%
Mar 2012	AT&T Mobility - CWA District 6	CWA	9,300	4 years	2.0%, 2.5%, 2.25%, 2.5% (9.25% over term); \$1,000 ratification bonus	2.3%
Dec 2011	University of California (clerical workers)	IBT	12,500	5 years	14% (3%, 3%, 3%, 3%, 2%)	2.8%
Dec 2011	International Paper	USW	5,700	5 years	12.5% (2.5% each year)	2.5%
Dec 2011	Hospital Corp of America (RN's & healthcare workers)	SEIU	9,600	3 years	2.25% - 2.5% initially; 2.5% in years 2&3	Varies
Nov 2011	Bally's; Caesars; Harrah's; Showboat- Atlantic City (hospitality workers)	UNITE HERE	5,000	3 years	No increase first year; \$0.25/hr second year; no increase third year	n/a
Oct 2011	Ford Motor Co.	UAW	41,000	4 years	No increase in base; \$6,000 ratification bonus; \$1,500 lump sum bonuses in 2012, 2013, 2014, 2015	n/a
Oct 2011	Chrysler	UAW	26,000	4 years	No increase in base; \$3,500 lump sum bonus in two checks; \$1,750 upon ratification & \$1,750 after Chrysler achieves "financial metrics" TBD	n/a
Oct 2011	Avaya	CWA	1,200	2 years	3.9% (2.0%, 1.9%)	2.0%
Oct 2011	Washington Service Contractors Assoc. (commercial building cleaners)	SEIU	12,000	4 years	16% (4%, 4%, 4%, 4%)	4.0%
Sep 2011	Vons; Albertsons; Stater Bros; Ralphs; Gelsons-Mayfair	UFCW	62,000	3 years	No increase first year; \$0.20-0.25/hr second year; no increase third year	n/a

Date	Company	Union	No. of Workers	Contract Term	Over Term Increases	Average Annual Increase
Sep 2011	General Motors	UAW	48,500	4 years	No increase in base; \$5,000 ratification bonus; \$1,000 lump sum bonuses in 2012, 2013, 2014	n/a
Sep 2011	BNSF:CSX	UTU	38,000	5 years	13.9% (2%, 2.4%, 3%, 3.5%, 3%)	2.8%
Aug 2011	Georgia- Pacific	USW	5,135	4 years	6% (2% first year; 1% year 2; 2% year 3; 1% year 4)	1.5%
Jul 2011	Kaleida Health	CWA;SEIU; IUOE	8,000	2 years	3% (2% in 2012, 1% in 2013)	1.5%
Jun 2011	General Electric	IUE-CWA	7,900	3 years	\$5,000 lump sum first year; 2.25% year 2; 2.5% year 3; 3% year 4	n/a
Jun 2011	Associated Press	CWA/TNG	1,700	3 years	4.5% (1.5%, 1.5%, 1.5%)	1.5%
Jun 2011	Cincinnati Bell	CWA	1,000	39 months	6.75% in the form of lump sum payments:(2.0% at ratification, 2.25% in 2012 & 2.50% in 2013)	2.25%
May 2011	Alliance of Motion Picture & Television Producers - motion picture, broadcast, cable	WGA - Independent	12,000	3 years	6% (2% each year)	2.0%
May 2011	US Postal Service	APWU	272,000	4 years	3.5% (0%, 1%, 1.5%, 1%)	1.0%
May 2011	University of California- RN's	CAN/NNOC	11,000	2 years	3%-4.25% initially; 3% first year; 4% second year	Varies
May 2011	International Paper	USW	6,000	4 years	6.5% (1%, 1.5%, 2%, 2%)	1.6%
Apr 2011	Air Tran Airways	CWA-AFA	2,200	2 years	4.0% first year; seniority bonuses year 2	n/a
Mar 2011	Lockheed Martin	IAM	5,100	3 years	8.5% (3%, 2.5%, 2.5%)	2.8%
Mar 2011	Caterpillar Inc	UAW	9,000	6 years	No increase over term	0.0%
Feb 2011	Walt Disney World- (food, characters, housekeeping)	UFCW;UNITE HERE; TCU;IBT	21,000	3 years	2%-3% initially; 2.25%-3% years 2 & 3	Varies
Feb 2011	Kaiser Permanente	CNA	17,000	4 years	20.0%	5.0%
Feb 2011	Continental Airlines - flight attendants	IAM	9,300	2 years	5.0% (2.5% each year)	2.5%

The Number of Major Work Stoppages Fell to Just 12 in 2012

Work Stoppages Involving 1,000 or More Workers



Source: Bureau of Labor Statistics Work Stoppage data, available at <http://www.bls.gov/wsp>

Note: The Bureau of Labor Statistics data doesn't distinguish between strikes and employer lockouts; however, the vast majority of these are strikes. For example, in 2012, there were 11 strikes and 1 lockout involving more than 1,000 workers. In 2011, 16 strikes and 3 lockouts (lockout at American Crystal Sugar is ongoing)

Task:

Now let's look at what's happening within the company and industry. In your small groups, review the information on pages 24-28. Discuss what conclusions can you draw from this information. Which of these pages would be most important to show to your co-workers?

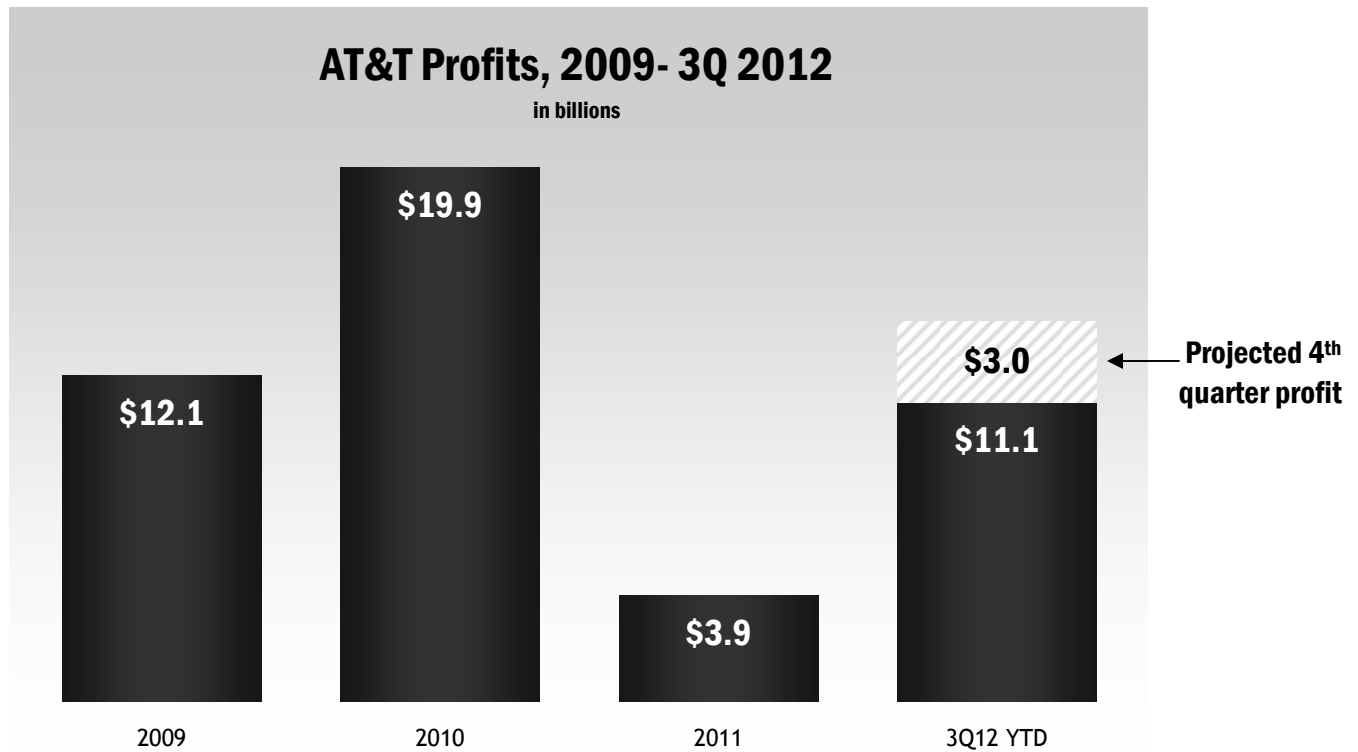
Choose a different person to be the facilitator and recorder.

Page _____

Why is this page the most important to show to your co-workers?

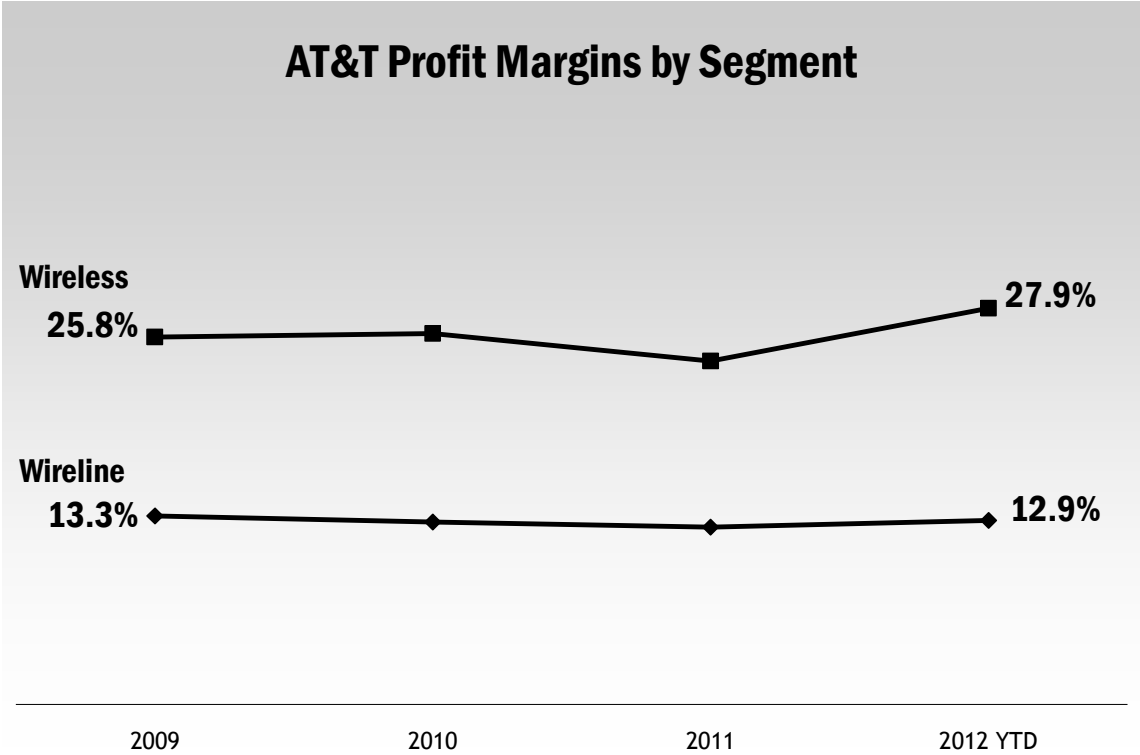
AT&T Is Very Profitable

While AT&T's 2011 profits took a hit because of iPhone subsidies, pension plan adjustments, and the breakup fee for the failed T-Mobile takeover, they have rebounded. For just the first 3 quarters of 2012, profits are \$11.1 billion. The projected total for 2012 is around \$14 billion.



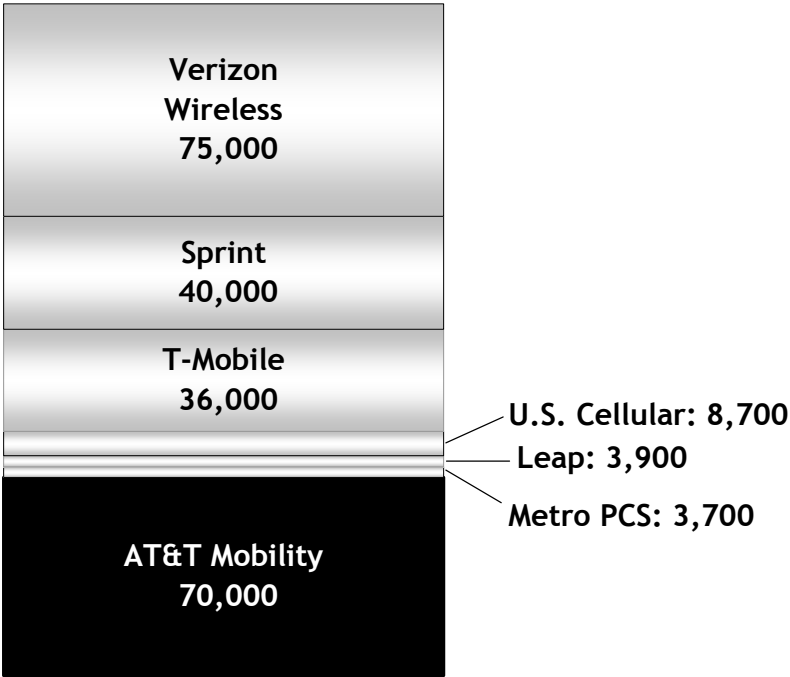
Wireless Is More Profitable Than Wireline

AT&T Mobility earns higher profits than AT&T's wireline operations.



Wireless Is a Mostly Non-Union Industry

AT&T Mobility is the only* union wireless company, making the wireless industry 70% non-union.



*About 60 Verizon Wireless technicians in the New York City area are CWA members. They have held onto their contract for more than 20 years despite endless attacks from the company. All other attempts by Verizon Wireless employees to organize have been crushed by the company's union-busting tactics.

Efforts by Sprint employees have also failed. T-Mobile workers are currently trying to organize.

AT&T Paid Its Execs \$61.9 Million Last Year

2011 AT&T EXECUTIVE PAY



RANDALL STEPHENSON
CHAIRMAN, CEO & PRESIDENT

\$22.0 MILLION



JOHN STEPHENS
SENIOR EXECUTIVE VP & CFO
(AS OF JUNE 2011)

\$4.6 MILLION



RALPH DE LA VEGA
PRESIDENT & CEO, MOBILITY

\$9.9 MILLION



JOHN STANKEY
GROUP PRESIDENT & CHIEF
STRATEGY OFFICER

\$11.5 MILLION



WAYNE WATTS
SR. EXEC. VP & GENERAL COUNSEL

\$8.5 MILLION



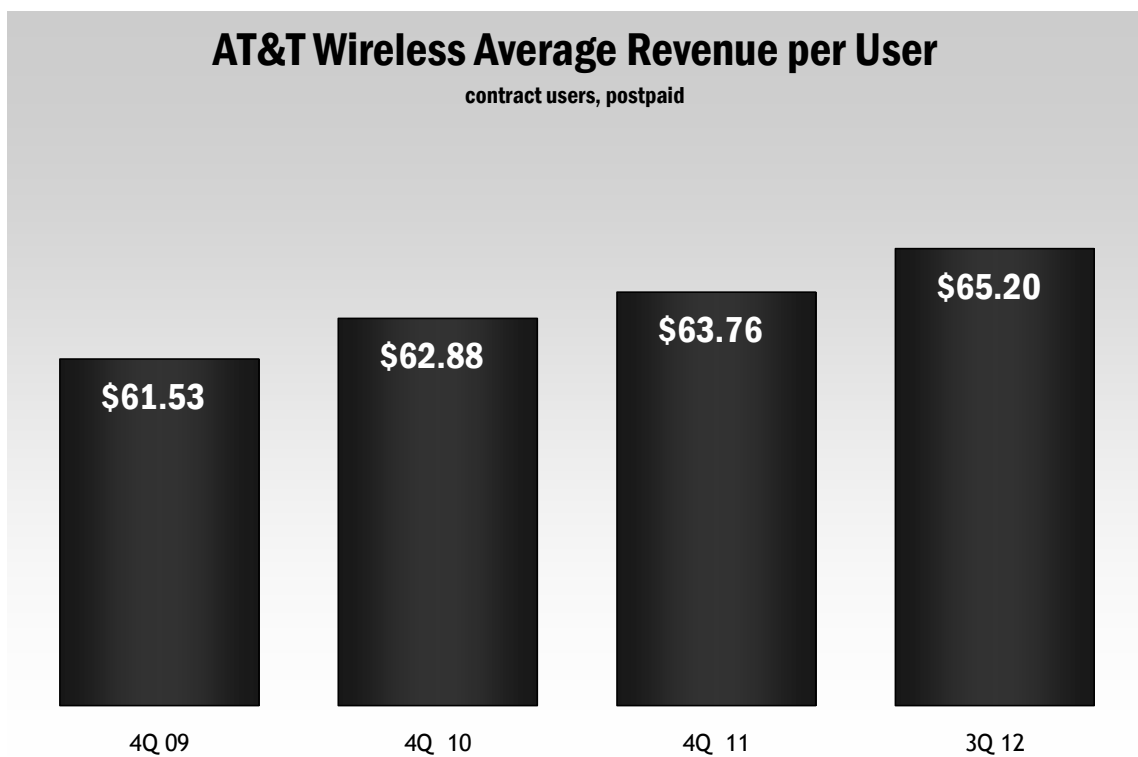
RICHARD LINDNER
SENIOR EXECUTIVE VP & CFO
(RETIRED JUNE 2011)

\$5.4 MILLION

Mobility Generating More Revenue per User

The most lucrative wireless customers are postpaid (or contract) subscribers. Average monthly revenue from these users continues to climb.

Average Revenue per Postpaid User per Month



What Is the Company's Agenda?

Task

In your small groups, list at least five things you believe AT&T Mobility may try to achieve or take away during negotiations. For each, indicate whether members will be willing to mobilize against the company's agenda.

Remember to choose one person as the facilitator and recorder.

	Will members be willing to mobilize and fight on this item?
1.	
2.	
3.	
4.	
5.	
Others	

PART 4: WHAT MOVES THE COMPANY?

Reasons we should get a fair contract settlement at AT&T Mobility:

- 1.** AT&T Mobility is doing well financially.
- 2.** We make an enormous contribution to the company's success
- 3.** We deserve it.
- 4.** The company can afford it.
- 5.** We should get our fair share of company profits.
- 6.** We have made reasonable demands.
- 7.** We have a hard-working bargaining committee.
- 8.** Our District and National officers can talk directly to company executives.

Task

Are any (or all) of these enough to get us a fair contract settlement? Why or why not?

What do members think?

Where Does Union Power Come From?

Collective bargaining is a power relationship. Bargaining power is the relative power positions of management and labor during the negotiations process. If we have high union power we can expect a strong agreement. If there is low union power, we can expect a weak agreement.

Task

In your small groups, rate the following factors in the order of their importance, with 5 indicating a factor of extreme importance and 1 indicating a factor of little importance.

Factors	1	2	3	4	5
	Least important <=====> Most important				
Company's profitability					
Unorganized competitors					
Ability to move work elsewhere					
Skilled negotiators					
Preparation and research					
Good relationship with company					
Political and community support					
Member mobilization and solidarity					
Percent of union membership in the U.S.					
Percent of company organized					
Unemployment in community and U.S.					
Overall political conditions in U.S.					
Other:					

Mobilization = Member Power

Our employers have never “given” us anything. Every major benefit, wage increase, and job security provision was won through hard-fought negotiations backed up by strong mobilization.

Without unions, companies hold all the cards. **It’s crucial that members understand that it is only through acting together that mobilized workers can shift the balance of power from the company to the workers.**

At CWA, we use intensive mobilization to put the grassroots membership of our Union directly into the bargaining process. It reaches into every job site and work group to tap the energy, inventiveness, intelligence, and collective power of the members of CWA.

Currently, we face a difficult task. The bargaining and economic climate favors AT&T Mobility more than workers. We will have to put out a maximum effort to achieve our goals.

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The Right to Concerted Activity

Workers have the legal right to act together “in concert” to improve their compensation and working conditions.

Anytime the employer or an individual manager tries to interfere with that right, members should alert their steward or mobilization coordinator. If a worker is threatened with or fears discipline, they should stop the activity but be sure to report it as soon as possible.

The right is enforced by the National Labor Relations Board (NLRB):

The law gives employees **the right to act together to try to improve their pay and working conditions or fix job-related problems**, even if they aren't in a union. If employees are fired, suspended, or otherwise penalized for taking part in protected group activity, the NLRB will fight to restore what was unlawfully taken away.

Whether or not concerted activity is protected depends on the facts of the case. The NLRB will focus on three questions:

Is the activity concerted?

Generally, this requires two or more employees acting together to improve wages or working conditions, but the action of a single employee may be considered concerted if he or she involves co-workers before acting, or acts on behalf of others.

Does it seek to benefit other employees?

Will the improvements sought – whether in pay, hours, safety, workload, or other terms of employment – benefit more than just the employee taking action? Or is the action more along the lines of a personal gripe, which is not protected?

Is it carried out in a way that causes it to lose protection?

Reckless or malicious behavior, such as sabotaging equipment, threatening violence, spreading lies about a product, or revealing trade secrets, may cause concerted activity to lose its protection.



<http://www.nlr.gov/concerted-activity> Also see “Using the Right to Concerted Activity in Mobilization” in the Appendix for more detailed information.

Mobilization Actions

Task

Influencing the bargaining process takes a high level of activity and commitment from members. We will review a list of mobilization activities we sometimes use. (Tomorrow, we will generate more mobilization ideas for AT&T Mobility members.)

In your small groups, consider the list of some of the activities we've used in other contract campaigns and answer the following questions:

How many AT&T Mobility members would be willing to participate in these actions? Which actions might be effective in moving the company's decision-makers?

(It's important to note that some activities build solidarity among the members even if they may not have a large impact on the Company at the table. Participating in these activities can also help individual members increase their commitment and move to the next level of activity.)

Activity	How many members would participate?									Effective?
	Retail			Call centers			Techs			
Wearing red (or other color)	Most	Many	Few	Most	Many	Few	Most	Many	Few	
Wearing stickers or buttons	Most	Many	Few	Most	Many	Few	Most	Many	Few	
Wearing wristbands	Most	Many	Few	Most	Many	Few	Most	Many	Few	
Making noise (clickers, tapping)	Most	Many	Few	Most	Many	Few	Most	Many	Few	
Stand-ups	Most	Many	Few	Most	Many	Few	Most	Many	Few	
Demanding personnel records	Most	Many	Few	Most	Many	Few	Most	Many	Few	
Leafleting public events	Most	Many	Few	Most	Many	Few	Most	Many	Few	
Picketing a CEO's or Board member's home	Most	Many	Few	Most	Many	Few	Most	Many	Few	
Safety checks	Most	Many	Few	Most	Many	Few	Most	Many	Few	
Meeting with politicians or regulators	Most	Many	Few	Most	Many	Few	Most	Many	Few	
Rallies	Most	Many	Few	Most	Many	Few	Most	Many	Few	
Marching in together	Most	Many	Few	Most	Many	Few	Most	Many	Few	
Informational picketing	Most	Many	Few	Most	Many	Few	Most	Many	Few	
Work to rule	Most	Many	Few	Most	Many	Few	Most	Many	Few	
Strike	Most	Many	Few	Most	Many	Few	Most	Many	Few	