



# Comprehensive Campaigns

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# What is a Comprehensive Campaign

- Not** a corporate campaign
- Not** a top down campaign
- Not** a bottom up campaign
  
- All of the above

# Who is Involved

- The whole union
- National/International organizing staff
- Other unions
- Lawyers
- PR firms
- Media contacts
- Community groups/allies

# What is Considered?

- ❑ Employer resources
- ❑ Legal and regulatory environment
- ❑ Member and community demographics
- ❑ Potential allies and opponents
- ❑ Affiliate readiness
- ❑ Role and likely impact of media

# What is the Goal?

- ❑ Persuasion

  - ❑ Not coercion, force or pressure

# Organizing Tactics

- Worker to Worker discussion
- Build an internal committee
- Map the workplace
  - Location
  - Interior relationships
  - External relationships
    - Soccer
    - Church
    - Kids in the same school

# More Organizing Tactics

- ❑ Small group meetings
- ❑ House Visits
  - ❑ Staff
  - ❑ Worker to Worker
- ❑ Surveying
  
- ❑ Listen 70%; talk 30%

# Progressive Action

- Stickers
- T-Shirts
- Petitions
- March on the Boss
- Solidarity Days
- Rallies
- Civil Disobedience

# Goal of the Organizing

☐ Act like a Union from the Get Go

☐ Goals of the Campaign

☐ Dignity

☐ Fairness

☐ Union Contract

# But the Goal of the Campaign May be Different

- ❑ Change in a particular practice
- ❑ Neutrality
- ❑ Card Check



Remember, Nothing Replaces  
Person to Person Contact

# Who Else To Include?

- Always the workers
  - Other union members
  - Family?
  - Community Groups?
  - Allies?
  - Competitors?

# Tactics that Include the Public

- ❑ Speaking at Public Forums
  - ❑ City Councils
  - ❑ County Board of Supervisors
- ❑ Speaking at Shareholder Meetings
- ❑ Handbilling/Picketing
- ❑ Media Campaigns
- ❑ Coordinated Actions on Separate Issues

# Media Campaigns

## Indirect

- Billboards

- Radio Ads

- Newspaper Ads

## Direct

- Targeted Ads in Apps

- Facebook Feed

# Online Organizing

- ❑ Create a community
- ❑ Tell a story
- ❑ Create action

# Community

- ❑ Create a community that connects to the bottom up activity
- ❑ Puts those in an organizing campaign in contact with those already organized
- ❑ Builds connections between groups of workers and their other networks

# Telling the Story

- ❑ Control the message
- ❑ Make it personal
  - ❑ Why it matters to you
  - ❑ Faces of the campaign
- ❑ Keep it positive
  - ❑ But
- ❑ Keep it real

# The Story Will Travel

❑ So every message needs to be crafted with the knowledge the public and the employer will eventually receive it

And

❑ It will be recoverable forever

❑ Be able to create the sound bite

# The Need for Action



does not win campaigns.

- ❑ Getting people to take the first action is hardest
- ❑ But it does become addictive
- ❑ And, it helps the workers know others support them

# Make the Action Achievable

- ❑ If no one can succeed, no one will even try
- ❑ Set people up for success – create goals in advance, educate on how to reach the goal and potential pitfalls
  - ❑ People who have never been to an action before should not be expected to
    - ❑ Contact the Police
    - ❑ Determine if activity is handbilling or picketing
    - ❑ Be the media point person

# On-Going Activity

- ❑ People don't like people who only reach out when they need something
  - ❑ On-going updates, even if there is no new action
- ❑ Tailor the message to the audience
- ❑ Keep it short
- ❑ Use pictures

# Specific Goals and Asks

- ❑ Must have a way to measure success
  - ❑ Each leader turning out 10 people
  - ❑ Have conversation with 15 people
  - ❑ Have the action completed by next Wednesday
- ❑ Need for benchmarks on both the internal and external campaign

# Finding the weak spot

Corporate Research and Political Leverage

# What Do You Need to Know?

- ❑ Everything.
- ❑ If your target is big, it has weaknesses.
- ❑ If your target is small, it has (different) weaknesses

# Big Companies

- ❑ May be slow to respond
- ❑ May have multiple fights across the country
- ❑ May have lots of lawsuits and complaints against it
  - ❑ Some labor
  - ❑ Some environmental
  - ❑ Some health and safety
  - ❑ Some regulatory

# How Can You Find Out?

- ❑ Spend some time digging into Google
- ❑ Get corporate filings on Edgar (SEC)
- ❑ Read LM-10s and LM-20s (OLMS on DOL)
- ❑ Look for OSHA violations (OSHA on DOL) or state equivalent
- ❑ Secretary of State
- ❑ Newspaper Articles

# What Else Do You Want To Know?

- ❑ Industry trends
- ❑ International issues
  - ❑ Relationship with workers in other countries
  - ❑ Corporate concerns
- ❑ Who is the company partnering with?
  - ❑ What are the partner's weaknesses

# It is more than the Company...

- ❑ Check out the principal officers too
  - ❑ Listed on SoS documents
  - ❑ Frequently named in press releases
- ❑ Who else are they associated with?
  - ❑ Parent Companies
  - ❑ Other subsidiaries
  - ❑ Related entities

# What are Their Weak Spots?

- ❑ Being present at their other organizations
- ❑ Bannering their house
- ❑ Holding signs at their kid's sporting events
- ❑ Talking to their friends and business acquaintances
- ❑ Do they serve on the Board of a Non-Profit?

# What are the Company's Goals?

- ❑ Local government approval for zoning variance? Government contract?
- ❑ Planned expansion?
- ❑ How do the shareholders and stakeholder feel about it?

# In Addition to Web Research...

- ❑ International union
- ❑ Community groups that are aligned against them
- ❑ Trash

# Small Companies

- ❑ Less likely to have a large web presence
  - ❑ Under the radar
  - ❑ Potentially family/privately owned
- ❑ Still has some filings
- ❑ Generally people are the best initial source of information

# There are Others Willing to Do Research

- ❑ Labor and Economic Policy Research
  - ❑ If you have the time, these are the best
    - ❑ Published by a University
    - ❑ Author with Credentials
  - ❑ Particularly true if there is an industry-wide or regional campaign
- ❑ Grad Students

# Political Leverage

- ❑ What is the public persona?
  - ❑ How does your campaign undercut that persona?
- ❑ What laws changed (or are likely to change soon) that creates an opportunity?

Before Acting on the Data

 Verify!!!

 And then verify  
again!!!

# Sounds Great...

What's the catch

# Union Power is Feared

- ❑ So lots of laws are used to try and shut down comprehensive campaigns
- ❑ Vicarious Liability – Legal responsibility for the actions of third parties who are acting on our behalf

# What Laws?

- ❑ Racketeer Influenced Corrupt Organization Acts
- ❑ Defamation
- ❑ Intentional Infliction of Emotional Distress
- ❑ Interference with Contract

# RICO

- ❑ Originally intended to address organized crime
- ❑ More generally applied to “Extortionate Conduct”
  - ❑ The allegation is that the union is using the fear of profit loss by the corporation to pressure the corporation into entering into an organizing agreement

# RICO

- ❑ Requires a pattern or practice, not a single incident
- ❑ Couples with the Hobbs Act when there is violence
- ❑ Not a lot of published cases
  - ❑ If the complaint survives the initial challenges to the pleadings, the cases settle
  - ❑ Stakes are too high

# Interference with Contract

- ❓ Arises when you induce another not to complete a contract with the primary
- ❓ Union liable for the harm associated with the contract not being completed
- ❓ Example: Union convinces organization to move a fundraiser out of the hotel that has a labor dispute

# Defamation

- 1) a false and defamatory statement concerning another;
- 2) an unprivileged publication to another;
- 3) fault amounting to at least negligence on the part of the publisher; and
- 4) harm or actionability of the statement irrespective of harm.

## But in labor cases:

- ❑ malice (by clear and convincing evidence)
- ❑ actual damages resulted (actual knowledge of its falsity)
- ❑ or with reckless disregard as to whether the statement was true or false.

# IIED

Outrageous conduct causing severe emotional distress as extreme and outrageous conduct; intentionally or recklessly causing severe emotional distress

# Why Does this All Matter

- ❑ In a comprehensive campaign, you may not be able to control the message
- ❑ Publication and republication may be by others
- ❑ Need to trust your sources
- ❑ Words matter \**“legalize”*

# Consequences of Getting It Wrong

- ❑ Injunction
- ❑ Monetary damages
- ❑ Finding of unlawful secondary boycott

# What are the Defenses?

- ☐ Truth – absolute defense
  - ☐ Clearly opinion and not statement of fact
- ☐ Conduct was not Outrageous
- ☐ Contract was not interfered with
- ☐ No right of enforcement

# Strongest Defenses

- ❑ It is a labor dispute!!!
  - ❑ Intemperate, abusive or insulting language is okay
- ❑ It is frequently preempted
- ❑ The First Amendment
  - ❑ Lawful consumer boycotts
  - ❑ Distribution of truthful messages
  - ❑ Right to associate
  - ❑ Right to petition the government
  - ❑ Right to peaceably assemble

# Take Aways

- ❑ Always rely on person to person communication
- ❑ Supplement worker to worker by including others in a comprehensive campaign
- ❑ Make sure to do it carefully and with legal advice to do it without creating liability



Questions?