

## FACT SHEET

# OPEIU 29 SYMPATHY STRIKING AT KAISER

OPEIU 29 Executive Board is calling on all members and other union members to engage in a sympathy strike on Nov. 18, 2021 to protest Kaiser's disrespect and support our Operating Engineers Stationary Engineers Local 39. Please review to understand the facts and our rights to sympathy strike.

### Basic Information

#### What is a sympathy strike?

A sympathy strike is when members of one union strike in sympathy with members of another union who are on strike. Withholding our labor in solidarity is a powerful way to protest against unfair treatment by our employer and to take a stand for fair treatment and real respect.

#### Why are the Local 39 engineers on strike?

The engineers are striking over unfair labor practices and because they are experiencing the same disrespect and lack of recognition that all Kaiser healthcare workers are feeling. Kaiser is offering an insulting 1% raise per year and is attempting to make major changes to their working conditions.

#### Is it legal for OPEIU 29 to sympathy strike with Local 39?

Yes, provided we give ten days notice to Kaiser.

#### How long would our sympathy strike be?

The plan is for a 24-hour strike at all Kaiser facilities in Northern California starting at **7 am on Thursday, Nov. 18, 2021 through 7 am on Friday, Nov. 19, 2021.**

#### Doesn't the "No Strike" clause in our contract prohibit us from engaging in a sympathy strike?


No. The Ninth Circuit Court of Appeals has ruled that a union must explicitly waive the right to sympathy strike in order to have a contract prohibit it. A general no strike clause does not prohibit sympathy strikes. *Children's Hosp. Medical v. California Nurses*, 283 F.3d 1188 (9th Cir.2002).

#### Can we be permanently replaced for sympathy striking with Local 39?

No. Local 39's strike is an unfair labor practices strike, so by extension, our sympathy strike is a protected, concerted union activity. Local 39 has filed charges for failure to bargain in good faith and other labor law violations. It is illegal to permanently replace unfair labor practice strikers.

#### What am I expected to do during the sympathy strike?

Show up to the picket line and bring your family. Kaiser's attacks demand the full participation of all of us to show them we are united with the engineers and will not back down. In 2019, Local 39 sent notice to sympathy strike with us when we were bargaining and came close to striking. Now it's time to stand with them - "An injury to one is an injury to all."



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## Work Questions

### **Will I get paid if I go on sympathy strike?**

No. Going on a one-day sympathy strike is a short-term sacrifice to invest in our long-term future. If Kaiser is successful in breaking the engineers' strike by committing unfair labor practices and forcing them to accept 1% raises, the stage will be set for the rest of us. Given Kaiser's profits and skyrocketing cost of living, a 1% raise would be wholly unacceptable, not to mention the pay scale reductions, reduced bonuses, and benefit cuts that Kaiser is demanding of other unions. Take a stand now to protect what we've worked for over the long term.

### **Can I use vacation or sick days for the sympathy strike?**

No. Sick days and vacation days cannot be used during a sympathy strike.

### **Can I sympathy strike if I am on probation or on call?**

Yes. Probationary and on-call employees have the same right as everyone else to sympathy strike.

### **Can Kaiser legally fire or discipline me for sympathy striking?**

No. Since our sympathy strike is a protected, concerted union activity, it is illegal for Kaiser to even threaten an employee with discipline. Please report any abuse by management immediately to a union steward or OPEIU 29 business representative.

### **Do I need to tell my supervisor I will not be reporting to work on the strike day?**

No. Kaiser has been given notification ten days in advance. Your supervisor may ask you if you are participating in the sympathy strike. Your OPEIU 29 Executive Board recommends that you answer "YES."

## What About Others?

### **What will happen to our patients during a sympathy strike?**

We are required to give a ten-day notice before our sympathy strike. It is then Kaiser's responsibility to reschedule procedures, hire temporary replacements, and make a plan to provide care.

### **Can non-union members or members of other unions join the sympathy strike line?**

Yes. Generally, other hospital workers can lend support (including RNs and doctors) and make an individual decision not to cross Local 39's picket line.

### **What's Next?**

OPEIU 29 members are being asked to vote between Nov. 4 and Nov. 14 to support the sympathy strike. If you need to update your contact info (Cell phone & personal email) or have questions, email [munoz@opeiu29.org](mailto:munoz@opeiu29.org), or [paredes@opeiu29.org](mailto:paredes@opeiu29.org).



**AN INJURY TO ONE IS INJURY TO ALL!**