

# Strike FAQ

## What is a strike?

A strike is when workers unite and withhold labor to protest unfair treatment by their employer. By taking collective action, workers take a powerful stand for fair treatment and real respect. A strike is usually a last resort after an employer has refused efforts to resolve issues and treat workers fairly.

## Why are Coalition union members considering going on strike?

Coalition union members across the country are preparing to take further action in response to Kaiser's Unfair Labor Practices (ULPs), up to and including a strike. Many of these unions have expired contracts or their contracts will expire soon but Kaiser's unfair labor practices are preventing the parties from negotiating fair contracts.

## How can ESC Local 20 members go on strike when our contracts are still in effect?

Our contracts allow us to support another union's strike in sympathy. Our right to call for a sympathy strike is legally protected by the National Labor Relations Act (NLRA) and by our contracts. We know Kaiser understands this because in 2019 and again in 2023 it has proposed adding language that would prohibit future sympathy strikes. If the contracts already barred sympathy strikes, as Kaiser now claims, they wouldn't ask the unions to add language prohibiting them. Kaiser didn't win that prohibition at the negotiating table so now they've filed a frivolous lawsuit to try to intimidate us.

## Why would ESC Local 20 members sympathy strike?

Other unions are preparing to strike to protest Kaiser's ULPs which create an unlevel playing field and ultimately interfere with the unions' ability to maintain their members' standard of living, retirement, and job security. Kaiser workers want to protect our patients from understaffing, impersonal automated care, and to make sure Kaiser executives invest in the next generation of healthcare workers, and many of us are willing to take serious action to achieve these goals.

That is why we would strike in sympathy with another union at Kaiser. This is another example of the Coalition working together to support each other.

## Who decides if there will be a strike?

ESC Local 20's union democracy works as follows under these circumstances: First, the elected officers who sit on the Optometry and Medical Professionals Unit Boards will request that the Union's Executive Board authorize a strike vote. If the elected officers on the ESC Executive Board provide authorization for a strike vote, each ESC Local 20 member in our KP bargaining units (Lab, Optometry, Genetic Counselors, and Home Health Therapy) will have the opportunity to vote.

You will be asked to vote on whether or not to authorize our bargaining team to call a sympathy strike with another Coalition union in Northern California, most likely UHW. UHW's strike is currently planned for early October. Each ESC Local 20 bargaining unit will vote separately and will only sympathy strike if more than 50% of the voters in the bargaining unit approve this action.

## Can Kaiser legally fire or discipline me for going on strike?

No. Our sympathy strike would be protected union activity under the NLRA, making it illegal for Kaiser even to threaten an employee with discipline. If you experience any abuse or threats of discipline by management immediately report that to your steward or union representative. Make sure you record the time, date, and location of the threat. Should Kaiser break the law, you would have the power of 80,000 union members and a strong legal team to fight to uphold your rights.

## Can we be permanently replaced?

Kaiser cannot permanently replace employees during a lawful ULP sympathy strike. When we give notice to Kaiser that we are going on strike, we also tell them when we are coming back.

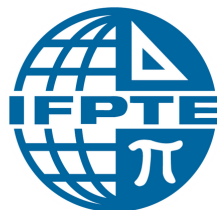
## What is a ULP (Unfair Labor Practice) Strike? Why does that matter?

Unfair Labor Practice charges are filed with the National Labor Relations Board (NLRB) when a labor law is violated. Currently, the Coalition and individual unions have filed ULP charges against Kaiser for various violations of labor law during this bargaining process.

Under the National Labor Relations Act, ULP strikes have special legal protections. Those who strike in sympathy with another union's ULP strike are extended the same protections. When workers strike under these circumstances, they are legally protected from harassment, intimidation, retaliation, discipline, and terminations for exercising their right to strike. Employees who are participating in a ULP strike cannot be permanently replaced.

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

No. Everyone should be saving for a strike. Our union does not have a strike fund for individuals but will support all the activities required to make the strike successful.



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## **Can I use vacation or sick days to be paid during a strike?**

No. You should not plan to use sick days and vacation days during the strike. A strike is about making a sacrifice now for something better in the long run by withholding our paid labor, which includes paid vacation and sick days.

## **What happens if I am on a pre-approved paid leave during the strike like vacation or PTO? What about sick, FMLA, disability leave, or ED leave?**

Serious actions like striking are strongest when everyone participates. Collectively sacrificing our pay by withholding our labor sends a clear and powerful message to Kaiser executives that we are united for respect and fairness. Strikers do not get paid during a strike and are expected to walk the picket line instead of going to work. If you are on a pre-approved vacation or other kind of leave the employer should pay you for that time. This is because your leave banks will be reduced and the employer is therefore legally obligated to pay for that time. We anticipate the employer will not be approving new requests for vacation or leave time that may occur during the anticipated strike.

If you become ill during the strike please notify your employer and get a medical note. The union will take the position that you should be paid sick leave.

## **What happens to my vacation and sick day accrual during the strike?**

Like any other type of unpaid leave, you would not accrue vacation time or sick leave during the strike, since vacation and sick day accrual is based on hours worked.

## **What am I expected to do during a strike?**

All ESC Local 20 union members are expected not to cross the picket line or go to work during a strike and to show up to the picket line every day-- bring your family and make sure everyone participates in all strike actions. Winning this fight demands the full participation of all of us to show Kaiser management that we are united, determined to be treated fairly, and will not back down.

## **How do we know this will work? Could some unions get what they want and others not?**

Strikes have been a proven and effective tactic throughout history. There is no way to know exactly what will happen in the event of a strike. But we do know what will happen if we do not take action: Kaiser will continue to engage in bad faith bargaining at the National and local levels, creating an unequal playing field and helping them achieve the lowest raises in a decade, two-tier benefits, and wages, and more money from our pockets for healthcare, all while Kaiser executives stack up billions in profits and receive multi-million dollar raises.

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

No. In accordance with labor law, Kaiser will be given notification of any strike action ten days in advance. Your supervisor may ask you if you are going on strike. We recommend that you answer "YES."

## **What happens to our work and our patients during a strike?**

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

Many ESC Local 20 classifications are regulated by state laws that make it very difficult to replace us.

## **Am I required to train my manager or scabs on how to do my job before a strike?**

If training is a normal part of your job duties, yes. However, if your workload or safety issues prevent you from doing so, you should inform your supervisor.

## **What happens to our medical benefits during a strike?**

Employee medical, dental, and optical benefits are paid a month in advance. While there is a possibility that Kaiser could rescind coverage for the time period we may be on strike, it seems unlikely that Kaiser executives would go to the trouble of carving out one week of an already-paid-for month for 80,000 striking employees who have already returned to work.

Additionally, taking away the healthcare of more than 80,000 employees who are simply exercising their legal right to strike would look very bad for their "Thrive" image.

## **What about on-calls, probation, or part-time employees? Or non-US citizens? Are they legally permitted to strike?**

Yes. Probationary and on-call employees have the same rights as everyone else to strike. Regardless of immigration status, all Kaiser employees have the right to participate in a lawful sympathy strike.

