



Community Social Services Sector Practical Tips for Conducting a Strike

It is the democratic right of Union members to collectively withdraw our labour, when necessary, to achieve fair wages and working conditions.

While striking is one of the most powerful means we have to enforce contract demands, it is always used as a measure of last resort. Members consider taking job action only when it is the only way left to break an impasse in negotiations.

Thanks to the bargaining expertise of members and staff representatives, striking is an action we seldom have to take. Less than five percent of contract disputes lead to strike situations.

In cases where strikes are called for, the sacrifices made by individual workers have historically resulted in gains for all workers. When members exercise their strike mandate, the Union backs their efforts with strategic, legal, and financial support.

Our Unions' records of successful settlements means we are continually setting new standards for wages, benefits, equity, and health and safety.

This is designed to provide some practical information to members on conducting an effective strike.



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PART 1 – THE STRIKE

What is a Strike?

A strike is defined in the legislations as “a cessation of work or a refusal to work or a refusal to continue to work by employees in combination or in concert or in accordance with a common understanding for the purpose of compelling the Employer to agree to terms and conditions of employment...”

Broken down into pieces, a strike is a work stoppage, overtime ban or refusal to carry out selected services by more than one person, each of whom has the same reason for stopping work – to convince their employer to agree to terms and conditions of employment.

So, two crucial elements are necessary for a strike. First, it has to be a collective act by more than one person and second, its motive must be to pressure their employer into improving their terms of employment.

By that definition, one person quitting because the terms of employment aren't good enough isn't a strike, nor is it a strike if a group of employees refuse to work as a political protest or because their lives are in imminent danger. A “political” or protest strike such as the province-wide walkout by Unions against wage controls in 1976 was legal at the time but the legislation was subsequently amended to make them illegal.

The exceptions from the broad definition are limited and the Labour Relations Board has ruled that slow-downs, work-to-rule activities and even overtime bans, if they intend to pressure the Employer, are strikes and are covered by the same rules as a full strike.

There are as many types of strikes as there are innovative trade unionists and varied work situations.

Historically, Unions have had to stay a step ahead of employers. As each new type of strike is invented, employers develop a way of reducing or eliminating the pressure it puts on them.

Some of the variations of strike action are: full strike; work-to-rule; overtime ban; targeted strike; rotating strike; and escalating strike.

Our Union can use any tactic or combination of tactics effectively depending on the amount of pressure required to get a settlement.

We are guided by the principles that the purpose of a strike is to put the most pressure on the Employer, minimize the cost to our members and to ensure client safety and wellbeing.



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When is a Strike Used?

A strike is only used when all other steps have been taken to settle our differences with the Employer. It is always the last step and is the most important decision the Union can make. Because of that, the Unions have strict rules in their Constitution, bylaws and policies that must be followed before a strike is authorized.



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PART 2 – STRIKE ADMINISTRATION

The Organization

Winning a strike requires an effective and efficient organization. A strike requires discipline and structure. It also requires that everyone accept their responsibility and do it well.

Bargaining Units may involve as few as one or two members or over 10, 000 members. The bargaining committee involved in the strike action controls it. They are the men and women elected to exercise that responsibility. It may be as simple as a single employer with a single worksite or as complex as a strike in the CSS Sector affecting hundreds of worksites throughout the entire province.

When the bargaining committee decides to begin or end strike action, whether total or partial, that decision is rapidly communicated through the organization to the members at each worksite involved.

Bargaining Committee

The Bargaining Committee is elected to negotiate a collective agreement on behalf of their Union or as part of a Union Association as in the case of CSS Sector bargaining. They have the responsibility to recommend whatever action necessary to win a decent collective agreement.

In addition they have many other strike related duties. Among them are:

- Members of the bargaining committee speak to membership meetings about the negotiations and the progress of the strike whenever possible.
- Bargaining committee members speak on behalf of the Union to interested groups regarding the strike and negotiations.

Area Strike Coordinators

Staff or members who are Area Strike Coordinators are responsible for ensuring that the directions of the Bargaining Committee are accurately and effectively followed. They are headquartered in an Area Office or other strike headquarters and are the major communication link in that area for their Union. They have experience and knowledge of the area and will, in many cases, have answers to the difficult issues that arise during a strike. Wherever possible, they and/or the Communication Office assigned, are the primary contact between the Union, the media, other unions, other agencies, the police and labour Relations Board (LRB).

In addition to passing on the direction to the Picket Captains, their job is to solve the day-to-day problems of the strike, ranging from picket sign distribution, missing documents, essential services, editorial attacks, and emergency service requirements. They are “on the ground” and respond to needs on a moment-to-moment basis.



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PART 3 – ESSENTIAL AND EMERGENCY SERVICES

Agreeing on Services

Where necessary, our collective agreement and Section 72 of the Labour Relations Code commit us to discuss the provision of emergency and essential services during the period of issuing strike notice and the commencement of the strike action.

The Union will designate the individual members required to fill positions providing essential or emergency services. The Union will have the right to carry out on-site inspections during the strike to ensure that only essential or emergency services are being provided. Excluded personnel will be required to work before bargaining unit members are scheduled.

Administering the Services

Once the strike starts, coordination and administration of essential and emergency services is done through Strike Headquarters by the Regional Strike Coordinator or Picket Captain. Any questions or problems should be directed to the appropriate Regional Office or Regional Strike Headquarters. From there information will be provided so that the Union can monitor the delivery of essential and emergency services.

Global Orders

Global orders are orders from the Labour Relations Board on the general principles of essential services which apply to unions and employers involved in a labour dispute. Although the essential service levels for each facility may be different, the language governing the global issues is the same, forming the general principles upon which the levels are established.

The orders also address related issues such as the requirement of the employer to provide a Job Action Headquarters, the use of disposable products, etc.

Community Social Services Global Order – June 2011

This Global Order directs all employers and unions affected by job action on the process and rules to follow. The order covers the following:

1. Some facilities and services are declared essential services (eg group homes, parts of some programs)
2. The Union schedules essential services work
3. Essential duties to be performed
4. Qualified management and excluded personnel must work 60 hours per week
5. Employers shall not hire replacement employees, engage additional volunteers, or assign additional duties to volunteers
6. Regional strike headquarters provided at mutually agree locations
7. Employees will be available in the event of any emergency or disaster situation
8. Resolving disputes



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Assignment of Essential Service Shifts

Unlike the normal operation of a facility, the scheduling of Essential Services during Job Action is the responsibility of the union. This is a requirement under the law and is described in the LRB global orders on Essential Services. We must take this responsibility seriously.

In addition to our responsibility to the public, we also have responsibility to our members in the scheduling of essential services. Members suffer financially during job action. It is the responsibility of the local Job Action Committee to ensure the available essential service shifts are assigned as fairly as possible.

Essential Services Committee

This Committee is responsible for the following:

- Designating Essential Services
- Monitoring the levels of Essential Services and making the necessary adjustments
- Investigating any management claims of emergency, and adjusting levels as necessary
- Monitoring the services which have been designated as essential and monitoring the employees who have been designated to provide these Essential Services
- Informing and instructing members who have been designated as essential services workers, of their rights, responsibilities, and obligations
- Scheduling essential service workers
- Ensures that essential service workers sign in and out on each shift
- Issuing and ensuring the return of essential service badges where necessary

Advance Preparation

Prior to creating essential services schedules, representatives should arrange a meeting of their members for the following purposes:

1. To explain the essential services levels, including which services are maintained and which services are closed
2. To become familiar with members' wishes regarding work during job action

Assigning Individuals to do Essential Tasks:

1. Only the Union will assign individuals to do essential service work
2. When selecting members, keep in mind the following:
 - a. To the extent that it is feasible, people should be designated on the basis of seniority
 - b. You may wish to rotate individuals to ease the economic burden of the strike
 - c. Share the work around in fair manner
 - d. The members usual or regular hours of work and their status (FT, PT, Casual)



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You should Issue the Following Instructions to Essential Workers:

1. Sign in at the designated area or sign in through the agreed to process specific to your Agency
2. Sign out at the designated area or through specific process



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PART 4 – STRIKE ACTIVITIES

Once the strike begins, it is absolutely essential that it is conducted in a peaceful and orderly manner.

Remember – you have a right to withdraw your labour, you have a right to peacefully assemble and picket.

Picketing

A picket line is established to communicate the fact that a strike is taking place. In British Columbia, a picket line has the respect of most ordinary working people. You will find that members of other unions won't cross your line and in many cases will offer you help and assistance. However, it is your responsibility to ensure that the conduct on the picket line is orderly and to the credit of your Union.

What to do “On the Line”

- a) Roster your members to maintain coverage, but be sure that there are never fewer than two picketers at any time and that every member shares picketing and/or strike related duties equitably. Generally speaking, members should be rostered for a minimum of four (4) hours picketing (or other strike duty) per day.
- b) Keep moving and remain visible.
- c) Ensure that all entrances are picketed.
- d) Ensure that all picketers wear placards identifying the Union.
- e) Keep a camera available and photograph any unusual occurrences including, where possible, everyone who crosses the picket line.
- f) Refer all media inquiries to the Strike Coordinator or chosen spokesperson.
- g) Make sure the picketers are in sight of each other – keep each other company.
- h) Obey any instructions from the police – but record the name, and rank of the officer and the details of the instruction. Remember the official policy of the police is to avoid taking sides in any strike. Make it easy for them.
- i) Patients and visitors should not be impeded from crossing.
- j) Always dress properly for the weather to ensure comfort. Have good walking shoes. Finally, carry a note pad and pencil/pen to record important events.
- k) Try to create a positive atmosphere on the picket line. Not only will this strengthen our picket line and strike, but it will also discourage the employer.
- l) Create a buddy system on the picket line so that no member is forced to act alone.
- m) Remember, you are a visible representative of the Union



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What NOT to do “On the Line”

- a) Do not respond to any situation with violence. Walk away from anyone seeking to cause trouble. The only losers in picket line violence are the Union members. If you sense trouble, immediately call the Staff Representative or Area Strike Coordinator.
- b) Do not get into debates with passers-by. Answer questions civilly and give out information about the issues but don't get into arguments. Most of the time, it's best to “agree to disagree” and leave it at that.
- c) Do not allow alcohol consumption on the line and send home any picketer who is “under the influence”. A strike is a time for cool heads.

Incidents

Incidents can, and will happen on each picket line. These will vary from very minor to rarely, but sometimes, major.

Legal challenges result from some incidents so it is important to have written documentation to use as evidence at the Labour Relations Board.

Please record any incidents; a written record must be placed in the Picket Captain's Report, on the shift where the incident occurred.

Incidents certainly include reports from inside Essential Workers as to happenings inside the facility.

Examples: managers not performing work as stated in The Order
volunteers doing bargaining unit work
access and egress being violated



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PICKET LINE INCIDENTS

INCIDENT REPORT

DATE: _____

TIME: _____

LOCATION: _____

PARTIES INVOLVED: _____

DESCRIBE INCIDENT IN FULL: _____

WITNESSES: _____

SIGNATURES:

EMPLOYEE: _____

LINE CAPTAIN: _____

PICKET CAPTAIN: _____



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Picket Captains

If there is any position that is key to the success of a strike, it is the Picket Captains. Drawn from the ranks of Union stewards and Local Officers, they are the coordinators who make the strike work. Once the direction is given, it is their job to:

- a) contact all members (through the stewards or phone trees in larger worksites);
- b) roster the members for picketing activity;
- c) complete picketing report forms and strike assistance claims;
- d) answer “on the line” inquiries;
- e) ensure orderly picketing takes place;
- f) distribute picket signs;
- g) record and report any incidents “on the line”;
- h) maintain regular contact with the staff representative to get the latest information that will keep the members up to date and rumours under control.

Picket Captains are the people that administer the strike. As with any major endeavour, it is a trying and difficult job. A strike is no time to air differences of opinion, to debate strategy and tactics. A strike requires total support and commitment. It requires effort, patience and above all, discipline.

This is a role that requires leadership, problem-solving abilities and commonsense. There should be at least one Picket Captain per shift but more may be needed for larger Agencies. If you have 24-hour picket lines, the Picket Captain may function as the control person in the Job Action Headquarters at night.

Roles and Responsibilities:

- reports to the Picket line Co-ordinator/Chair of the Picket Line Committee
- Ensures sufficient time before shift changes to collect picket signs and staff lists and to replace picketers prior to facility shift changes.
- Assigns pickets to areas and is in charge of all picket activities during her/his assigned hours of work.
- Ensures designated number of picketers are on duty and replaces any who are unable to be present.
- Acts as resource person to picketers.
- Ensures all picketers and members scheduled to work have signed in and out.
- Reports to the Strike Headquarters the name of any member scheduled to work who does not show up.
- Ensures designated personnel have obtained essential service buttons where required.
- Ensures essential service buttons are handed back at the end of each shift
- Ensures adequate number of picket signs.
- Files picket captain reports at the end of their shift noting any police or press contact, incident reports, management contacts etc.



Rumours! Rumours! Rumours!

The Union will be doing everything possible to keep you informed. But rumours will start. If you hear a rumour – check it out through your Picket Captain. Do not repeat it and tell your members not to as well.

Watch and listen for the Unions' advisories on television, on the radio or in the paper. They will be factual.

Rumours are dangerous. They distort the issues, confuse the members and can destroy morale and discipline. They create a lot of heat but shed no light at all.

Public Relations

The best public relations the Union can have during a strike is orderly and responsible picketing.

Major statements to the news media will be issued from the Union.

Any media inquiries on the picket line should be referred to the Strike Coordinator or spokesperson. If the media wants rank and file comment, the Strike Coordinator will arrange that for them. That policy will ensure, as much as possible, that media coverage will be balanced and factual.

If all of our pickets act maturely and responsibly, the Union will have the best possible public relations.



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PART 5 – STRIKE PAY AND HEALTH & WELFARE BENEFITS

Strike Assistance During Strike

If all the members of the bargaining unit go out on strike at once (except those the Union has agreed should remain at work providing essential services), it is a **full strike**.

Members picketed off the job shall be required to perform duties related to the dispute in order to qualify for strike pay.

Strike Assistance Administration

Producing strike assistance for members can be an awesome task. Writing and delivering the cheque is the easiest part. The difficult part is making sure the Union has an accurate, completed record of the members who qualify.

Picket Captains will be issued picketing report forms. These must be accurately completed and turned in weekly. These forms must be signed off by the Picket Captain or designate prior to being forwarded to the Union for processing.

Before the strike begins, Picket Captains will be supplied with the report forms and comprehensive instructions.

* as process for strike pay is Union specific, please obtain specifics for your Union.

Continuation of Benefits during a Strike

The Union will continue the premiums for a member's health and welfare benefits (other than pension benefits or RSP contribution) that would normally have been provided by the Employer.

The BC Labour Code states in part:

“Continuation of benefits

62. (1) If employees are lawfully on strike or lawfully locked out, their health and welfare benefits, other than pension benefits or contributions, normally provided directly or indirectly by the employer to the employees must be continued if the trade union tenders payment to the employer or to any person who was before the strike or lockout obligated to receive the payment
 - a. in an amount sufficient to continue the employees' entitlement to the benefits, and
 - b. on or before the regular due date of that payment

- (2) If subsection (1) is complied with
 - a. the employer or other person referred to in that subsection shall accept the payment tendered by the trade union, and



- b. no person shall deny to an employee a benefit described in that subsection, including coverage under an insurance plan, for which the employee would otherwise be eligible, because the employee is participating in a lawful strike or is lawfully locked out.
- c. A trade union and an employer may agree in writing to specifically exclude the operation of this section.”

Discipline

The Unions’ opponent in a strike is the Employer. Any action during the strike that reduces the Unions’ effectiveness aids the Employer.

It is simply a case of democratic rule. Before a strike is called, the majority of our members must have voted in favour. That decision is then binding on the minority who opposed the decision. The Unions’ decision to conduct a strike is then enforceable under the Constitution.

Members who refuse to abide by that decision are subject to Union charges and discipline. The Labour Relations Board has historically upheld the Unions’ right to suspend or impose other penalties such as fines.

If you are faced with a member who refuses to abide by the Unions’ policies, make a complete record of the incident including photographs and contact the Strike Coordinator.



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PART 6 – STRIKE HEADQUARTERS

The Community Social Services Bargaining Association is negotiating a location for your regional Job Action Headquarters that does not require members to cross your picket line. Further information will be sent as locations are finalized. These will be joint, multi-union regional job action headquarters. With the job action coordinators from all CSSBA unions sharing the same headquarters location, you will be able to share staffing, supplies, and ideas.

As part of these negotiations, Unions are asking employers to supply a cell phone to each job action coordinator – instead of their obligation to supply an individual job action headquarters location for each Agency.

You may need the following items in your Headquarters:

1. Pens, pencils, clip boards, rulers, marking pens, stapler and staples, scissors, extra string, tape, hi-lighters, pencil sharpener, paper, and calculator
2. Chairs, tables, desks etc.
3. Seniority list and member contact information (current phone numbers)
4. Coffee machine
5. Coffee, sugar, cream, paper cups, tea, and stir sticks
6. Camera, film and AM/FM radio
7. Large garbage bas
8. Bulletin board
9. Cell phone
10. Flip charts
11. Enough essential service buttons
12. Post-it notes
13. Flashlight
14. File folders
15. File box
16. Management phone list
17. Committee phone lists

Preparing for Job Action

Planning and organizing a successful strike requires a considerable amount of time and effort. Essential services must be negotiated and in place before there is any job action. To help get all of this work done, you need to set up a Job Action Committee.

The co-ordination of job action involves many duties and requires the involvement of many people in order to be successful. Depending on the size of your Agency you may not require all positions or one person may serve in a number of roles. If your Agency is large, you may want to form committees to assist each of the co-ordinators. You may also choose to re-organize the various tasks depending on the needs of your Agency.



The important thing is that each task has a person assigned to it. A well organized Strike Headquarters helps in facilitating the coordination of all committees. It is also a great gathering place for members and will empower and build solidarity among us.

First steps:

- Call a meeting of the membership
- Select members to fill the positions needed
- Assign the tasks that need to be completed



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PART 7 – STRIKE CHECKLIST

Locals/Picket Captains should ensure that everything has been done in preparation for a strike. Begin your preparations as soon as the strike vote is counted.

- a) Roster those members who wish to actively participate in the strike and qualify for strike pay.
- b) Complete a membership list with everyone's main phone number for contact.
- c) A method of communicating with everyone needs to be set up.
- d) Get the Staff Representative's or Strike Coordinator's home and work phone numbers and arrange for a time for daily contact when necessary
- e) Arrange for immediate access to picket signs.
- f) Make sure the Staff Representative or Strike Coordinator knows when and where you can be reached every day as well as after working hours.
- g) Plan to set up the strike headquarters and distribute appropriate contact numbers to members and the Employer. Recruit people to help find furniture for the strike headquarters etc.
- h) System to keep track of who qualifies for strike pay.



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PART 8 – BARGAINING STRATEGIES

Job action is an action of last resort when working toward the objectives of a fair contract. In order to accommodate the essential nature of our work, members must adapt the use of strike action. Community social services workers cannot conduct an “all out” strike whereby all members withdraw their services. Instead, members are compelled to have a “controlled” strike whereby essential services are provided at all times. A strike or lockout in community social services is controlled by legislations and essential service guidelines.

No one “wants” to strike. For members, it means short-term financial loss and disruption to patient or client services. For leaders and staff, strikes also mean long hours of planning and co-ordinating essential services. But members have taken job action in the past to assert fairness and respect for the value of our work. We take job action when withdrawing our services is the only power left to us to achieve our bargaining objectives.

For job action to be effective, all of us must remember that we are the union. The union is not just the leadership or staff – it is each and every member.

Successful job action is dependent on this approach to organizing. Membership involvement in developing local plans, building local job action and communicating with the public is critical to demonstrating our strength in bargaining. It is also a tremendous opportunity for members to show their commitment to fairness and justice.

Local or component executives need to start building membership support for the Unions’ main bargaining proposals now. Strike averting is any action that increases the Unions’ chances of negotiating a decent settlement without having to walk out.

There are generally two forms of strike averting:

1. Actions that demonstrate members’ support for the Unions’ bargaining goals and demonstrate the members’ willingness to walk out, if necessary, to achieve these goals.
2. Actions outside of the local aimed at putting pressure on the employer to improve their offer to the union.

Bargaining strategies can take various forms, from campaigns designed to highlight the key issues, to a full withdrawal of service. The Unions’ bargaining strategies are often underway well before negotiations begin. Strategies change and evolve depending on the progress we are making at the bargaining table.



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Campaigns are a particularly important tool in achieving our bargaining goals. Campaigns help to:

- Build solidarity among the membership,
- Create public awareness about the key bargaining issues, and put pressure on the employer. Campaigns may include the following elements:
 - Newspaper ads
 - A letter writing campaign to MLAs
 - Media activity
 - Stickers, buttons etc.

Some campaigns are initiated locally and are specifically designed to motivate the local membership and highlight their issues. This kind of campaign may include the following:

- A newsletter
- Chapter meetings
- Posters
- Solidarity actions, (eg all members wearing the same colour on the same day)
- Letter writing, media interviews and lobbying

Job Action

Job actions can take many forms. It is usually most effective when it is done in an escalating manner. It could start with the refusal to perform specific duties and escalate to an all-out withdrawal of everything but essential services.

Partial Withdrawal of Service/Work to Rule:

Refusal of duties can exert considerable pressure on management if done with broad support from the membership and other unions. An example of this type of job action would be a refusal to do any duties that are not specifically part of your job descriptions, like portering or clerical duties or paperwork. A ban on overtime can also be effective. One of the advantages of this strategy is that members continue to receive full salary, yet it places considerable pressure on the employer. However, if these strategies go on for too long, they can lose their effectiveness.

Intermittent Withdrawal of Services/Rotating or Targeted Job Action:

In this type of job action, members withdraw their services for short periods of time. The main advantage of this strategy is that it is very difficult for the employer to plan effectively for it. An example of rotating or targeted job action is to withdraw services in one department or Agency one day, and then withdraw services in a different department or Agency the next day (while the first Agency goes back to work). This tactic creates confusion for the employer, but can also be confusing for the membership unless it is planned and executed carefully. This strategy minimizes financial loss to members, yet puts effective pressure on the employer.



Escalating Job Action

Escalating job action starts in one Agency or one department and escalates as additional Agencies or departments are added over time. One of the major disadvantages to this tactic is that members employed at the worksite that starts the job action will be participating for a longer period than other members.

Lockout

This is the only type of job action initiated by the employer. In this scenario, the employer prevents the members from working and receiving any pay, except for essential services. This tactic puts the onus for the job action on the employer and is usually not supported by the public. In the event of a lockout, the union is still obligated to provide essential services.



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PART 9 – ENJOYING THE PICKET LINE

Maintaining high morale during a strike is an important and challenging job. By paying attention to a few points, people will remember a strike positively, as a time of bonding and standing together for a common, valued goal.

The “public” view of a strike is sometimes negative. However, it is important to publicly take a stand for what you and the union believe in, in spite of the pressure from friends and family and the concerns about finances. Many people working together determined for what they believe in can be a very powerful morale builder.

High morale is fostered when you:

- Encourage members to talk amongst themselves as they participate in the job action. There is a strong feeling of solidarity if people share their thoughts and concerns.
- Meet frequently with the other members of the Job Action Committees to ensure a free flow of information and resolution of problems which may arise.
- Act on problems immediately. Support your members to ensure co-operation.
- Use cell phones to link members on the picket lines to the Job Action Headquarters and remind them they have support.
- Dispel rumours.
- Maintain communication links with representatives and members.
- Have fun.

Members participating in job action duties at your headquarters should take coffee or food out to the line as a physical link to headquarters.

Some people feel that they are doing all the work and others have it easy. Keeping attention on the line will again promote solidarity.

Work with the Co-ordinator to enlist the support of other unions, through your local labour council. These are labour activists who have experience and are usually willing to help fellow trade unionist during a strike.

Our members feel a tremendous responsibility to their jobs and patients/clients. Reassuring them that all essential services are being maintained and all areas are being covered helps alleviate some of their concerns.

By paying attention to these points, members will surprise themselves with their feelings about the strike. They will remember it as a time when they stood together and fought for a fair deal.



It is important to have fun. Here are some ideas:

- Have people bring musical instruments to the picket line
- Have “zipper song” contests – a zipper song is changing the words to a popular tune to publicize your issues
- Have a contest for the best picket sign slogan
- Stage an impromptu play or street theatre about the issues

Some in the past started “for fun” newsletters, had BBQ’s, planted plastic flamingos up the sidewalks, invited life-sized cardboard celebrities to picket, as well as some far more controversial and entertaining behaviours, not to be mentioned here of course.

Be creative and don’t be afraid to have some fun. Morale boosting should be endorsed wholeheartedly.

But, please remain aware of public perception. You are picketing to send a message about Community Social Service Workers’ convictions throughout the province. That cannot be jeopardized for any reason.