



VOICE OF THE ILWU

HONOLULU HAWAII
LOCAL 142

Volume 43 • No. 1

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January 2003

Are You a New Member? Then this is for you...

Are you a new employee, hired within the last 12 months? If so, this issue of the ***Voice of the ILWU*** was prepared especially for you. As a union member, you are entitled to many rights and benefits and some responsibilities. This issue will help get you started with the essential information you need as a member of the ILWU. (Even longtime members may find the information useful.)

First of all, the ***Voice of the ILWU*** is the official newspaper of the ILWU Local 142. You are receiving the newspaper because you are now a member of the ILWU. Your membership in the ILWU started when you were hired into your job. At the time you were hired, you signed a form which allows for the automatic payment of union dues by payroll deduction. This form also serves as an application for membership

in the union.

The company you work for is a unionized company, which means all workers covered by the union contract must also become members of the union. This is only fair as all workers covered by the union are equally entitled to the wages, benefits, and protection of the union contract. The workers who are part of the union are sometimes called "covered" workers or "bargaining unit" employees.

A few employees at your company are excluded by U.S. labor law from becoming members of the ILWU. These include supervisors, security guards, and certain professional and confidential employees. Employees who are excluded from the union are sometimes referred to as "non-bargaining" employees. While they are excluded from joining the ILWU, they can organize or join a different union.

In some companies, the ILWU may represent only one part of the workforce, such as only distribution or only clerical workers. The other workers may be represented by another union, or, if there is enough interest, could be organized into the ILWU. Call the ILWU Organizing Department if you know people who want to join the union.

—more on pages 2-6

ADDRESS LABEL

Say Hello to New Members!

Do you see any new faces at your workplace? You should, especially if you work in the tourism industry or general trades. In these two industries, over 40 percent of the members have been hired in the last three years.

These members were not around for the last International and Local Conventions or for the last internal union election in 2000. These members probably know very little about how the ILWU or any union works. They may not know much about the union contract or how to file a grievance. In fact, many new members mistakenly think their wages and benefits come from the goodness of management, and not because the union negotiated for these improvements.

You can help by saying hello and welcoming them into the ILWU family. Take some time to give them some history about the company and educate them about the union. Invite them to the next union meeting and introduce them to the unit officers. Remember, the union can be much stronger if every member supports their union.

New members in every industry

Local 142 has about 22,000 members. Almost one-fourth of them have been members for less than three years. Another one-fourth were hired into ILWU organized companies between 1997 and 2000 and thus have been union members for less than six years.

The turnover rate in tourism remains the highest where 44 percent of the membership were hired in the last 3 years. General trades follows in a close second with 42 percent of the members having less than 3 years seniority. Pineapple and longshore have a 24 percent and 23 percent turnover rate. Sugar had the lowest turnover with only 17 percent new members hired in the last three years.

IMPORTANT INFORMATION CONCERNING YOUR OPPORTUNITY TO BECOME ACTIVE MEMBERS OF INTERNATIONAL LONGSHORE AND WAREHOUSE UNION, LOCAL 142, AFL-CIO, AND YOUR RIGHTS UNDER LAW

As a result of your current employment, you are eligible for membership in the International Longshore and Warehouse Union, Local 142, AFL-CIO. Union membership is a right and privilege to be proud of.

As an active member of ILWU Local 142 you have the right to participate in the affairs of the Union. Your participation includes involvement in the formulation of proposals for contract negotiations, voting on proposed changes to your collective bargaining agreement, attending and participating in regular and special Union meetings, Union elections, and other affairs of the Union as provided in the ILWU Local 142 Constitution and By-laws.

We believe that most people would want to become active members of the ILWU Local 142, and desire to fully participate in the affairs of their Union. Strong, active and informed members are essential to the strength of your Union. Your participation will benefit both you and your co-workers by helping the Union gain improved wages, benefits and working conditions.

The right, by law, to belong to the Union and to participate in its affairs is a very important right. Currently, by law, you also have the right to refrain from becoming an active member of the Union and you may elect to satisfy the requirements of a contractual union security provision by paying monthly dues and fees to the Union which reflect the representational expenditures of the ILWU Local 142. Please be advised: That 3.54% of funds were spent in our most recent accounting year (2002) for nonrepresentational activities; that nonmembers can object to having their union security payments spent on such activities; that those who object will be charged only for representational activities; and that if a nonmember objects, the Union will provide detailed information concerning the breakdown between representational and nonrepresentational expenditures. Any objections by a nonmember shall be filed within 30 days and sent to ILWU Local 142 at 451 Atkinson Drive, Honolulu, Hawaii 96814.

Please be advised that nonmember status constitutes a full waiver of the rights and benefits of ILWU Local 142 membership. More specifically, this means you would not be allowed to vote on contract modifications or new contracts; would be ineligible to hold Union office or participate in Union elections; and all other rights, privileges and benefits established for and provided for ILWU Local 142 members by its Constitution and By-laws.

We are confident that after considering your options, you will conclude that the right to participate in the decision making process of your Union is of vital importance to you, your family, and your co-workers, and you will complete and transmit your application for membership in ILWU Local 142. Thank you.

Next Local Executive Board Meeting: March 20-21, 2003, 10 a.m., Honolulu

WHAT ARE THE BENEFITS OF UNION MEMBERSHIP?

Benefits of Union Membership

Higher wages, better benefits, and good working conditions are the most obvious advantages of being organized in a union.

Based on data collected by the U.S. Department of Labor in September 2002, union workers earned an average weekly wage of \$788, while non-union workers earned 27 percent less, or \$622 a week. The union advantage in wages alone is \$166 a week. Figure 1 compares wages for union and non-union workers by occupation. The data is from 2001.

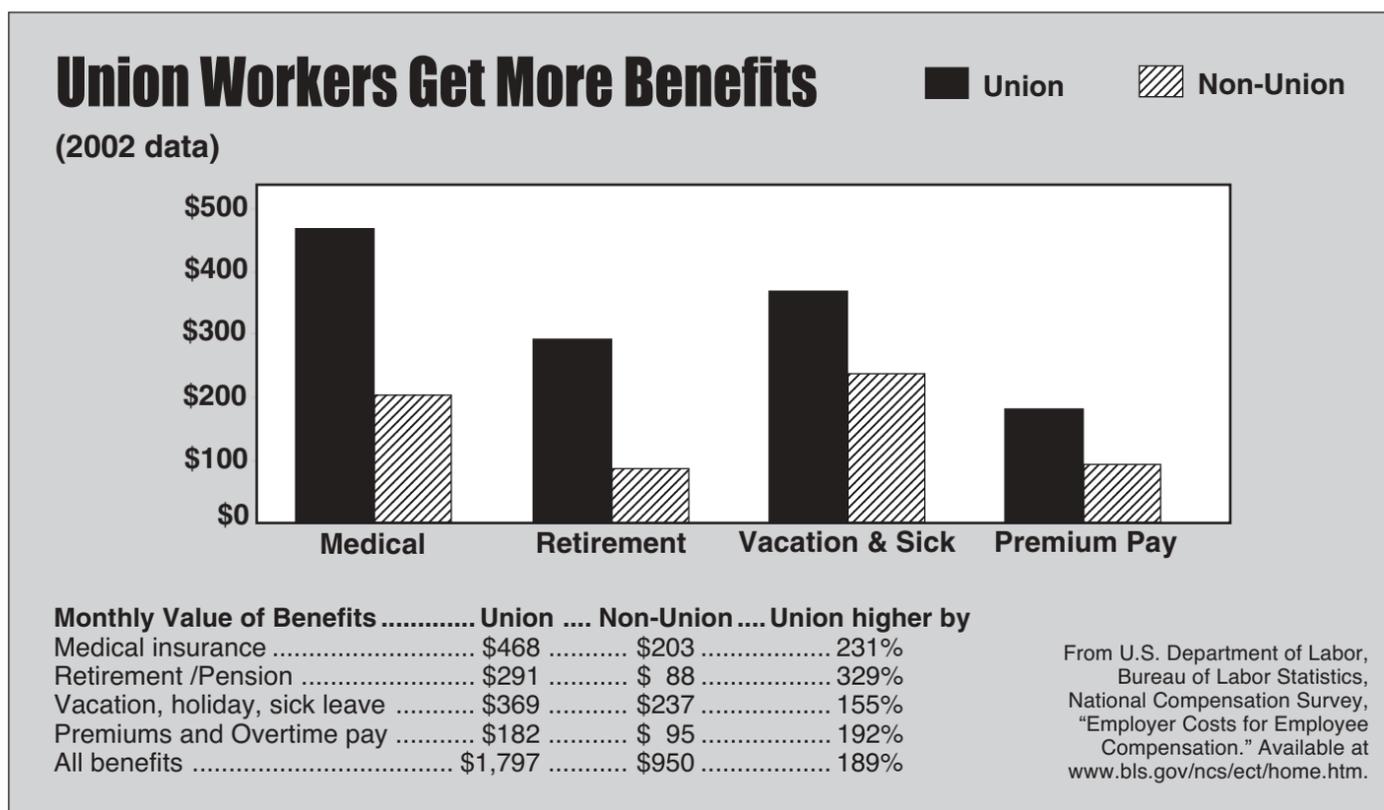
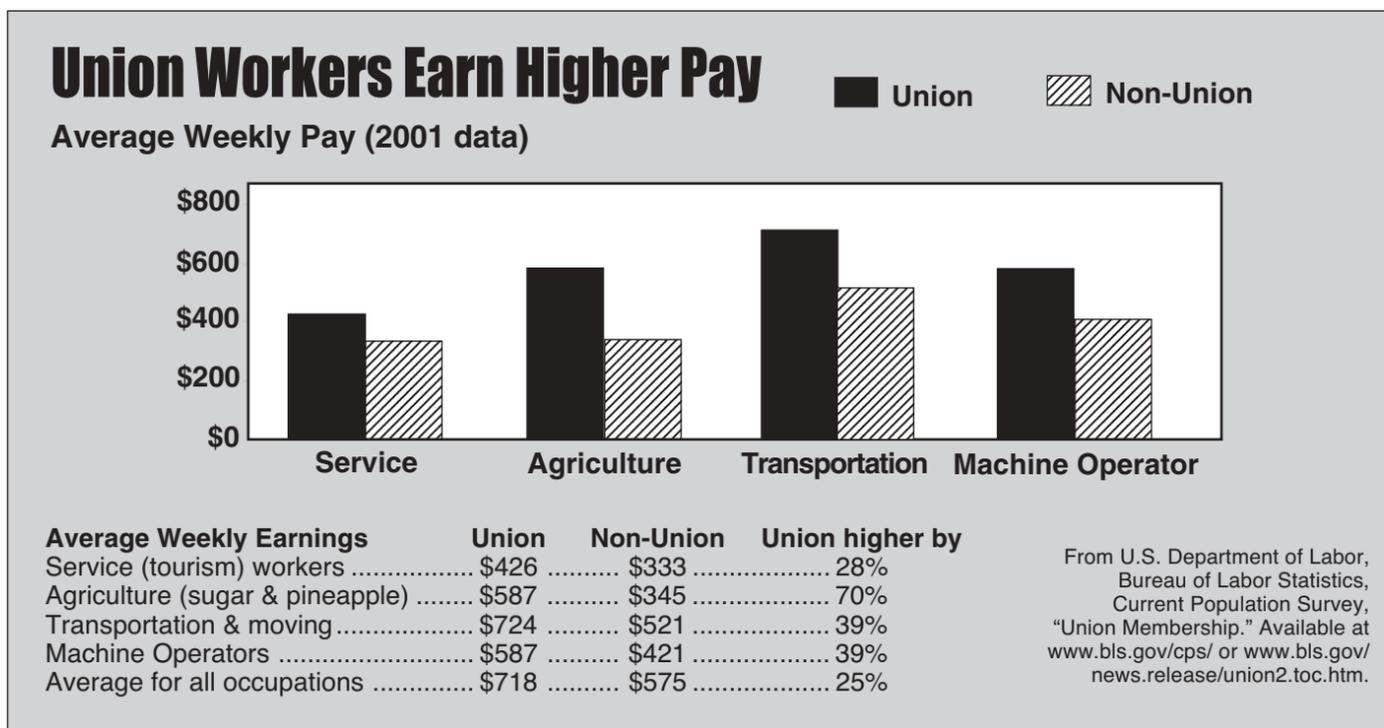
The union advantage for benefits like medical, vacation, and retirement is even higher—almost double that of unorganized workers. The weekly value of these benefits for unionized workers is \$415 and only \$219 for non-union workers—a difference of \$196 a week more for the union worker. Figure 2 shows the monthly value of being unionized.

Union workers get better health care. They get medical plans from their employers worth an average of \$468 a month, while medical benefits for non-union workers are worth only \$203 a month.

Union workers get much better retirement benefits—\$291 a month, compared with only \$88 a month for non-union workers. This is over three times higher than that of non-union workers.

Union workers get more disability pay, more premium pay, more vacation, more holidays, and more sick leave pay than non-union workers.

If you add wages and benefits, union workers received a total compensation package worth an average of \$1,202 a week, while non-union workers got only \$841. This is a union advantage of over \$361 a week, or 143 percent more. Over one year, the union advantage is worth \$18,782—Joe Millionaire should have joined a union.



Dignity and Respect in Unions

Believe it or not, most workers organize into unions because of bad working conditions and poor treatment by management and not for higher wages and benefits. When workers are organized into unions, they gain the power to change their working conditions and demand respect and fair treatment from management.

With a union, workers have job security and can no longer be fired, transferred, or demoted at the whim of their bosses. In the United States, workers are hired "at-will." This is a term which means workers are not slaves and can quit their job at their choice—or at their will. It also means an employer can fire a worker for any or no reason—or at the employer's will. U.S. and Hawaii law only protects a worker from being fired for an illegal reason—such as discrimination by race, sex, age,

religion, sexual orientation, ancestry, disability, marital status, or arrest and court record. However, unionized workers have a written contract which gives them additional protection against unjust or unfair firing or treatment on their job.

With a union, workers gain the power to meet with management on equal terms and bargain collectively to improve their wages and benefits. Union workers no longer have to go to their boss as individuals and beg for an increase in wages. With a

union, workers have a voice on the job because management is required to negotiate with them on any changes in the terms and conditions of employment. With no union, management can take back benefits and change things on the job at anytime with no notice and no need to consult with workers.

Unions give workers dignity, respect, and a voice on the job. Many workers consider these to be the most valuable benefit of having a union.

WHAT ARE THE BENEFITS OF UNION MEMBERSHIP?

Organization for Mutual Benefit

A third and very important benefit of union membership goes far beyond your job. You are now a member of a workers' organization—dedicated to defend your interests as a worker and to promote the general welfare of you and your family.

This is spelled out in the ILWU Declaration of Principles:

We, the men and women working under the jurisdiction of ILWU Local 142 Hawaii, in order to build and maintain a strong local organization and provide for the defense of our common interests, promote the general welfare of our members, their families and other wage earners in the community, and uphold the rights and dignity of our labor and its organized expression, have determined that we shall be guided by the following principles . . .

One of the most important way the union defends our interests is through Union Political Action. The legal system is extremely important to working people. Laws can be passed to give additional rights and protection to workers or, just as easily, take away workers' rights and

protections. The story on page 7 on **What is At Will Employment?** clearly shows how laws affect your job security.

In our country, the U.S. Congress and our State Legislature have the power to make new laws and change old laws. Every year in Hawaii, our State Legislature considers thousands of bills that propose changes in our laws—some of these proposals benefit workers and some take away rights and benefits. For this reason, the ILWU and other unions must be actively involved in the legislative process, monitoring all of the bills, stopping legislation that would hurt working families, and urging legislators to pass legislation that benefit workers.

The success or failure of union political action depends on numbers—it takes a majority of legislators to pass a piece of legislation. This is why the ILWU and other unions endorse certain candidates over others during the elections. In the last election in 2002, the ILWU Political Action Committee interviewed dozens of candidates and questioned them on issues important to workers. Union members were then urged to vote for only those candidates who would support working families.

What is a Union Contract?

Your union contract is a written agreement with your employer. It defines your wages, benefits, conditions of employment, and rights on the job. It is enforceable through a grievance procedure and ultimately in a court of law.

Most union contracts are renegotiated every three years, although some contracts run for only one year and others run for as long as six years. How long the contract runs is up to you and your negotiating committee. The ILWU is a democratic union and members are involved in every step of the negotiation process.

Before the old contract expires, the union members at your company (which we call a Unit in the ILWU) will be asked for their input and ideas on what to change in the contract. This is usually done at a membership meeting, called by the officers of your Unit. This is one good reason why you should attend union meetings—it's your chance to improve your union contract.

Your unit will also select a committee to represent them in negotiations with management. This committee is usually composed of your elected unit officers, but many units will expand the committee to make sure different parts of your unit are represented. A

hotel unit, for example, might select a committee with members from different departments like housekeeping, food and beverage, maintenance, and front desk.

The Local or Division office will also assign a full-time business agent or officer to work with your negotiating committee as your spokesperson. During negotiations, unit members may be asked to support their committee by wearing union buttons, attending rallies, and mobilizing in other activities.

When your committee thinks a fair settlement with management has been reached, they must get your vote of approval before the new contract can be finalized. This happens at a membership meeting where your committee will report on the settlement and where your unit members can vote to accept or reject the settlement. This is another part of ILWU democracy which requires membership approval for all contract settlements.

In rare cases, management may refuse to agree to a fair settlement and your committee may ask you to authorize a strike. Again, ILWU democracy requires membership approval for a strike.

Your union contract is a very important document. You should read the contract and be familiar with its terms. You should challenge management whenever they violate the contract. You can get a copy from your unit officers.

You should read the contract and be familiar with its terms. You should challenge management whenever they violate the contract.

Changed your address? Let us know!

Did you know members have a duty to keep us informed of your latest home address?

The U.S. Post Office will only forward mail for 60 days, so send us a card to let us know you moved. We need your name, old address, and new address. Send the card to: Mailroom, ILWU, 451 Atkinson Drive, Honolulu, Hawaii 96814.



The VOICE of the ILWU welcomes letters, photographs and other submissions.

Write to:
EDITOR

VOICE of the ILWU
451 Atkinson Drive
Honolulu, HI 96814

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Editor: Mel Chang

What do the letters stand for?

The letters I.L.W.U. stand for International Longshore and Warehouse Union, a union created in 1934 when longshore and warehouse workers on the West Coast of the United States merged to form a single union. In 1937, longshore workers in Hawaii chose to join up with the ILWU, because it was a democratic union that stood for racial equality within its membership. This was important to the Hawaii members who were mostly of Hawaiian and Asian ancestry.

Within a few years, tens of thousands of sugar and pineapple workers also joined the ILWU, attracted by the union's program of uniting all ethnic groups and its reputation as a democratic union run by the membership. Before the ILWU, unions in Hawaii organized workers along craft or ethnic lines. This divided the working class, and such unions were no match against the powerful employer group that

controlled the islands.

With the ILWU, workers finally had an organization with the strength and solidarity that could match the power of the employers. ILWU members won job security and improvements in wages and benefits. With their

jobs protected, ILWU members registered to vote, got involved in community affairs, and elected candidates who would work for legislation to benefit working people. This opened the way for Hawaii to develop into a progressive, democratic society.



ILWU members and pensioners meet before going over to the State Legislature for its opening day. A strong presence at the legislature is just part of the ILWU's political action program, which includes voter registration and education, member mobilization to "get out the vote," and support for labor-friendly candidates.

What is Local 142?

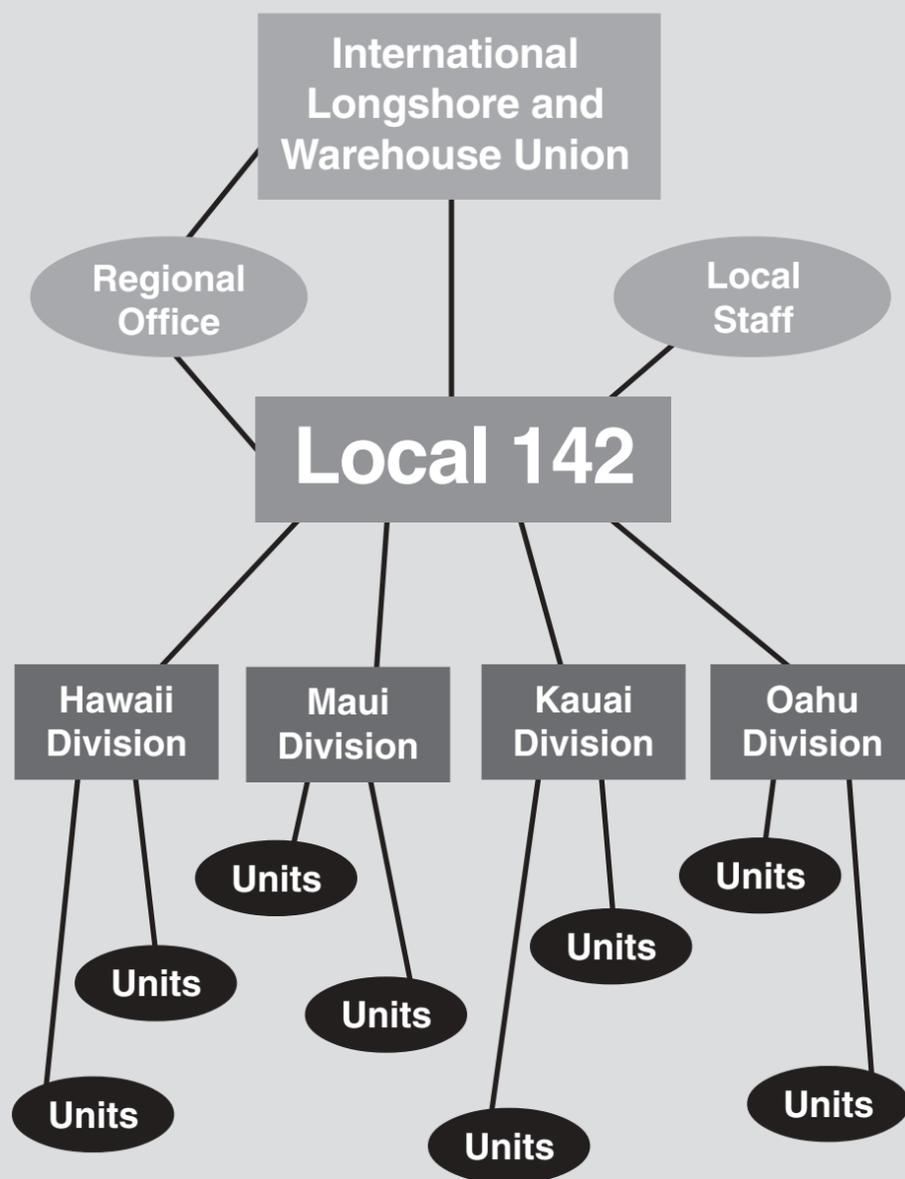
Local 142 is the one of 60 separate unions which make up the ILWU. These local unions are located in California, Oregon, Washington, Alaska, Canada, and Hawaii. Most of these locals were part of the ILWU since the 1930s and share the same principles of a democratic union run by the membership. Each local union could operate on its own, but has chosen to be part of the ILWU.

Each local contributes money to run the overall ILWU organization, which is called the International ILWU or just International. The headquarters of the International is located in San Francisco, California.

Local 142 is based only in Hawaii. We have our own officers, constitution, and structure. Our headquarters are located in Honolulu at 451 Atkinson Drive. Local 142 is made up of four divisions based on the four counties of Hawaii, Maui, Kauai, and Oahu.

Structure of the ILWU

The ILWU is a democratic union, run by the rank and file



Unions in the U.S.

In the United States, there are 148 unions representing 16.3 million workers. This is about 14% of the workforce. Thirteen million of these workers belong to the 65 unions affiliated with the AFL-CIO. The ILWU is affiliated with the AFL-CIO.

Hawaii is the second most unionized state in the country—about one-fourth of Hawaii's workers are unionized. New York is the most unionized state with 28 percent of their workers in unions.

A Guide to What every should

Welcome to the ILWU! As a member you are part of a long and proud tradition of reform organizations for their members' fairness and justice on the job. We are called **labor unions, trade unions,**

In Hawaii, one out of every four workers is in a labor union. The most common unions are for pilots, firefighters, bricklayers, and other workers who do those jobs. Another kind of union is for hotel workers, government workers. A third kind of union is for workers from many other industries. This kind of unionism brings the highest wages.

There are 22,000 ILWU members in Hawaii, which makes the ILWU the largest union in Hawaii. ILWU members work in many industries including: tourism, longshore, manufacturing, transportation, and more. They hold diverse jobs—they include hotel housekeepers, store clerks, hospital technicians, and more.



Participation in your union builds the ILWU. (Above) Honolulu Airport Hotel workers taking part in a meeting and to vote on whether or not to accept a new contract is just one way to participate in the union.

the ILWU

every member knows

As a member of ILWU Local 142, you have a tradition where workers join for mutual benefit and to promote their job. These organizations are called unions, or just unions.

Our workers are members of a wide variety of unions. No matter what kind of union is based on the industry, there are unions of airline pilots, teachers, and nurses, and many other jobs are members of those unions based on an entire industry—government employees, or postal workers, like the ILWU, organizes and represents workers in different industries. This kind of union provides the highest level of unity to workers.

ILWU has members on all major islands in Hawaii. ILWU is one of the largest unions in the world. ILWU works in every major industry on the island—agriculture, pineapple, and hospitals. ILWU members include mechanics, drivers, cooks, electricians, cashiers, computer clerks, and more.



and is necessary for the union to succeed. Take the time to attend a contract ratification meeting and accept their tentative contract. Voting on your behalf for ILWU—see the article at right for others.

You have rights on the job

As a member of a union, you have rights on the job. With the ILWU you have the combined strength and experience of the union on your side.

You have the right to have a union steward or business agent help you with any problem on the job. You have the right to ask for a union representative if the company calls you into a meeting which may lead to disciplinary action.

You put yourself at a disadvantage when you try to settle a problem by yourself, or when you fail to let your

union know of problems you and your fellow workers have.

If you have a question or problem on the job, the **first** thing you should do is talk to your on-the-job union steward.

Your company is called a “**unit**” within the ILWU structure. Each unit has its own elected officers and union stewards, who serve as volunteers. They get no special treatment or privileges from the company or from the union, but they are ready to help you and your fellow workers.



Like all ILWU members, these sugar workers from Hawaiian Commercial & Sugar Company have rights on the job. Union members often enjoy many rights and benefits beyond what is required by law—all because of the union contract.

Your duties as a member

Article I of the Constitution and Bylaws of ILWU Local 142 describe the duties and responsibilities of membership. Following are excerpts from the Constitution that contain some of the more important duties of membership:

1.08. Every member shall conform to and abide by all rules concerning wages, hours and working rules as agreed to by the Local and pay Local, Division, and unit dues and assessment in amounts set in Section 25.02 of the Constitution, and as determined by the applicable Division and unit. The obligations of membership as set forth in the Constitution shall constitute a binding contract between the union and the member and shall be enforceable in a court of law by the union.

1.09. It is the duty of all members to serve the Local when called upon, to respect lawful picket lines, engage in work stoppages and other lawful

concerted actions, and abide by the Constitution, Bylaws, and all rules and policies established by the Local. No member shall bring frivolous charges, challenges, or claims against the union and no members shall present frivolous defenses to charges, challenges, or claims brought against the member by the Local. Charges or defenses without constitutional, legal, or factual basis may incur attorney fees, costs and other expenses which shall be chargeable to the member.

1.10. Every member must furnish the Local with their correct home address and notify the Local of any change. Notice sent by ordinary mail to the last address given shall be conclusively deemed official notice.

1.11. It shall further be the duty of each member to attend meetings, vote in all elections and read the official publication of the Local.

Get involved in your union

Know your rights. Read and understand your rights and benefits under the union contract and the ILWU Constitution. You can get copies from your union representative. Take an active part in shaping your working life. Get to know your union stewards and get involved with union activities. The union is only as strong as its members.

Come to union meetings. You’ll learn about your rights as a working

person. It’s an education that will make you a better person and your employment at your company more rewarding and enjoyable. Your participation in the union is always welcome and you will be glad you got involved. Meeting notices are posted on the union bulletin board, along with other important announcements. Make it a practice to regularly read the notices on the union bulletin board.

Contacting the Union

If you cannot reach a unit officer or steward you can call your business agent at the **ILWU Office** on your island. Regular office hours are from 8:00 a.m. to 4:00 p.m. from Monday to Friday.

Oahu PHONE: 949-4161
FAX: 941-5867
Kauai PHONE: 245-3374
FAX: 246-9508
Maui PHONE: 244-9191
FAX: 244-7870
Hawaii (Hilo) PHONE: 935-3727
FAX: 961-2490
or Waimea PHONE: 885-6136
FAX: 885-0450

If your business agent is not in the office, you should leave a message, a phone number and a time when you can be reached. If you have a serious problem, you should contact the union as soon as possible. There is a **time limit** on reporting any problem.

HAWAII DIVISION

Fred Galdones - Division Director
Business Agents/Representatives:
Richard Baker, Jr.
Gary Duguran
Isaac Fiesta Jr.
Greg Gauthier
Wallace Ishibashi
Roy Jardine
Ann Chong - Division Clerk (Hilo)
Sui Sin Coloma - Sr. Clerk (Waimea)
Sharon Kataoka - Part-time Clerk

MAUI DIVISION

Roger Tacdol - Division Director
Business Agents/Representatives:
Steve Casto
Jerrybeth DeMello
Delbert DeRego
William Drury
Joseph Franco, Jr.
William Kennison
Wayne Takehara
Virgilio Viernes
Joycelyn Victorino - Division Clerk
Joyce Naruse - Senior Clerk

KAUAI DIVISION

Clayton Dela Cruz - Div. Director
Business Agents/Representatives:
Thomas Contrades
Jesus Guirao
Michael Machado
Melissa Ragasa - Division Clerk

OAHU DIVISION

Raymond Camacho - Division Director
Business Agents/Representatives:
Brandon Bajo-Daniel
James Kahalewai
Karl Lindo
Dave Mori
Larry Ruiz
Tyrone Tahara
Brian Tanaka
Carol Alviar - Division Clerk

INTERNATIONAL REGIONAL OFFICE

Wesley Furtado - International VP
Tracy Takano - International Rep.

LOCAL OFFICERS

Eusebio “Bo” Lapenia Jr. - President
Robert G. Giraldo - Vice President
Guy K. Fujimura - Secretary-Treasurer

LOCAL STAFF

Mel Chang - Communications Director
Desmond Kochi - Office Manager
Joanne Kealoha - Social Services Coord.
Michael Murata - Contract Administrator
Lynette McComas
Eadie Omonaka
Rae Shiraki
Calvin Werner
Mathew Yamamoto
Arlyn Yoshinaga

A GUIDE TO THE ILWU: *What every member should know*

Union Programs and Membership Services

The ILWU Membership Services Program helps members get the most from the benefits provided by their union contract or by government and private agencies. This program is not limited to job-related problems, but will help members and their families with any problem they have, whether at home, in the community, or in school.

ILWU contracts provide many medical, dental, and retirement benefits. Sometimes members need advice on how to get the most out of these benefits. Sometimes members have problems, such as being overcharged by a doctor or hospital may overcharge the member. Members should call the Union for help or advice on how to get the most from their union-negotiated benefits.

Members can receive help with benefits provided by law such as workers' compensation, unemployment compensation, temporary disability insurance (*TDI*), or in dealing with government agencies such as Immigration and Naturalization Service, Social Security, Medicaid, or Medicare. Many times members will only come to the Union after they are denied benefits or something goes wrong. Members should see the union **first** before it is too late.

Personal and family problems may also be referred to Membership Services. The Union maintains close relations with many community welfare and service agencies and can refer members to the appropriate agency for help.

Just call your Division office and talk to your Business Agent. He or

she will help you directly or will put you in touch with the right people in state and community agencies. They may also refer you to the full-time social worker who works out of the ILWU office in Honolulu.

Sports Program

There are ILWU sports leagues for men's slow and fast-pitch softball, bowling, golf, and men's basketball.

You can join a team or start your own. The program is open to all members, their spouses and dependent children (who are full-time students).

The ILWU organizes these leagues and holds yearly statewide tournaments. Many of these leagues have been going strong for over 40 years and are well-known and respected in local sports circles.

Legal Advice

Your job-related problems are handled by ILWU Business Agents and two of the best labor law firms in the State—King, Nakamura & Chun-Hoon, and Takahashi, Masui & Vasconcellos. Some grievances involve a lot of time and costly legal work, but there is never any charge to you.

Members may go to our Union Law Firms for help with personal injury and workers compensation cases. The Union Law Firms are highly skilled in these matters and charge reasonable fees.

Union members may also go to the law firm for advice for personal matters. There is no charge for the advice; and if any legal work is required, the attorney will advise you on any fees. Appointments can be arranged through your ILWU Division office.

UH Scholarships

Scholarships to the University of Hawaii (Manoa or Hilo campus) are available to high school seniors of ILWU families. The scholarships may be continued into graduate school. Every year, recipients are selected from each Division based on short written essays about the

history of the ILWU. This scholarship is offered to children and grandchildren of active and retired members of the ILWU only through the Harriet Bouslog Labor Scholarship. Applications must be submitted by April 1 of each year.

Union News

Members receive the ILWU Local 142 newspaper, the **VOICE of the ILWU**, every month. This paper is an important source of news about the labor movement and provides valuable information not found anywhere else. You can read about job safety and health, contract improvements, economic issues, and world events—all from the workers viewpoint. Many Units also publish their own monthly bulletins with news about what is happening at your Unit.



ILWU membership services include activities like sports leagues, Labor Day celebrations, and pensioner get-togethers. (Above) Kauai pensioners enjoy games at their annual picnic held in August at the Lihue Union Hall.

WHAT TO DO IF YOU NEED HELP

The company may have House Rules, Standards of Conduct, Dress Codes and work policies that are separate from the union contract. These are the company's rules, however, the union may get involved if you are disciplined as a result of any of these rules or if these rules are unfairly applied, are unreasonable, or unrelated to the business objectives of the company.

If you are given an oral or written warning or are disciplined by management, you should contact your union representative immediately. You have a right to ask for a union representative, if you are called into a meeting with management and you believe the meeting may result in disciplinary action.

The company may not discipline or discharge any employee, except for just and proper cause. Just and proper cause involves the following principles:

1. **The company must give the employee forewarning** or foreknowledge of the possible or probable disciplinary action as the result of the employee's conduct.
2. **The company's rule must be reasonably related to the orderly efficient and safe operation** of the employer's business, and the performance that the company might properly expect of the employee.

3. **Before administering discipline to an employee, the company must make an effort to discover** whether the employee did in fact violate or disobey a rule or order of management.
4. **The company's investigation must be conducted fairly** and objectively.
5. **When the company conducts its investigation it must obtain substantial evidence** or proof that the employee was guilty as charged.
6. **The company must apply its rules, orders and penalties evenhandedly** and without discrimination to all employees.
7. **In determining the degree of discipline the company must show that the penalty is reasonably related** to the seriousness of the employee's proven offense and shall consider the employee's record of service and length of employment with the company.

The union will work on your behalf to investigate if the company acted properly in taking disciplinary action against you. If you are disciplined, there is a time limit in which to contact the union and have the union file a grievance. **Because of this time limit, do not delay. Contact a union representative as soon as you can.**

WHAT ARE THE BENEFITS OF UNION MEMBERSHIP?

What is At Will Employment?

In the United States, an employee who does not have a union or any kind of agreement with their employer over job security, is considered an “at will” employee. This pretty much means all non-union workers in private industry—or about 70 percent of U.S. workers—are at will.

An “at will” worker may be terminated by their employer at any time and for any or no reason. This means that a boss could wake up one morning and decide to fire the first employee he sees that day. As unfair as this may seem, it is perfectly legal under U.S. law.

The origin of this law goes back to the late 1800s, a time when a handful of American capitalists amassed immense wealth and political power through their control of railroads, and later mass production factories and the banking system. The “at will” doctrine fit perfectly with their need for a disposal and unskilled workforce in their steel mills and giant factories.

The idea of “at will” first appeared in 1877 in a legal treatise by Horace C. Wood, when he wrote in *Master and Servant* that—“a general or indefinite hiring is prima facie a hiring at will” and can be ended at will by either party without liability. This broke from the English common-law rule that a general hiring was for a term of one year.

American judges picked up on this concept and within a few years, the “at will” doctrine included the idea that employers could dismiss employees for any reason. In 1884, the

Tennessee Supreme Court ruled in favor of the Western & Atlantic Railroad Company that: “All may dismiss their employees at will, be they many or few, for good cause, for no cause or even for cause morally wrong, without being thereby guilty of legal wrong.”

The railroad had issued an order that any employee who shopped at particular store would be discharged. The store owner, a man named Mr. Payne, sued the railroad, but the court upheld that the railroad had the “right” to fire at will.

Limits on At Will

This idea of “at will” employment remains the law in nearly every state today. However, mostly through the success of union political action, a number of laws have been passed that protect employees and place important limits on an employer’s “freedom” to fire employees at will. Six of these laws are described at right.

These are six more examples of how union political action has improved the lives of working people. You can do your part by registering to vote and supporting the candidates endorsed by the ILWU Political Action Committee. The union endorses candidates who support programs that benefit working families.

An “at will” worker may be terminated by their employer at any time and for any or no reason.

“All may dismiss their employees at will, be they many or few, for good cause, for no cause or even for cause morally wrong, without being thereby guilty of legal wrong.”

1937, National Labor Relations Act.

This law limits the “at will” doctrine by prohibiting employers from firing and otherwise discriminating against workers because of their support or membership in unions. Employers may still fire workers for any other reason.

1963, Hawaii Employment Practices Act.

This law prohibits discrimination because of: race, sex, age, religion, color, ancestry, disability, marital status, sexual orientation or arrest and court record, assignment of income for child support obligations, and National Guard participation.

1964, Civil Rights Act.

Further limits “at will” by prohibiting employment discrimination on the basis of race, color, national origin, religion, and/or sex. Later, discrimination on the basis of age for employees over the age of 40 (1967) and pregnancy discrimination (1978) are added as prohibited acts.

1970, Occupational Safety and Health Act.

Limits “at will” by prohibiting employers from firing an employee who refuses to perform a job they believe would pose an imminent danger to themselves or their co-workers.

1987, Hawaii Whistleblowers Protection Act.

Limits “at will” by protecting workers who report their employers for any violation of law or who are called to testify in a government investigation, hearing, or court action.

1990, Americans with Disabilities Act.

Limits “at will” by protecting persons with disabilities from discrimination.

Strength and Democracy

There are many structures within the Union because it means added strength and democracy. When more people are directly united with you in the same union, that union can be more powerful and effective in improving wages and working conditions and helping with your problems. The ILWU is set up to provide you and other members with the best possible job protection and services.

A rank and file union

The ILWU is run by the membership and that means, to make the union work, you have an obligation to attend meetings and to get involved in union programs. You will find, as so many others in the ILWU family, that it is a rewarding experience.

You are a member of a Unit within the ILWU. Units elect their own officers and hold regular membership meetings to run their affairs and carry out union programs. Units are the basic building block of the ILWU’s democratic structure.

Unit officers are also members of the Division Executive Board which meets monthly to guide the work of the Division. These meetings are open to members. There are four divisions: Hawaii, Maui (includes Molokai and Lanai), Oahu, and Kauai.

Part of a larger group

Local 142 is composed of all ILWU members in Hawaii. A Local Executive Board, made up of elected representatives from the four divisions, meets quarterly to make policy and guide the work of the entire union. The highest decision making body is the Convention, which is held every three years. The next Local 142 Convention is scheduled for September 2003.

Local 142 and 69 other ILWU locals are affiliated with the International Longshore and Warehouse Union. The ILWU is affiliated with the AFL-CIO with 13 million members.

See page 4 for a diagram of the structure of the ILWU

ILWU sets priorities for 2003 legislative session

The ILWU identified the 12 most important political issues which the union will focus on during the 2003 session of the Hawaii State Legislature. The issues deal with health care (1,2,9,10), workers rights and benefits (3,4,5,6,7), tax breaks for business (8), education (11), and working harbors (12).

The 12 priorities are drawn from the union's full legislative program which defines the ILWU's position on a wide range of political issues. The full program contains 100 items and covers economic development, worker rights, health and social services, education, civil liberties, transportation, land use and the environment.

The ILWU is unique among Hawaii unions in having such a broad and extensive legislative program. The main reason for

this is that ILWU members themselves work in almost every industry and live and work in almost every community in the state from Kekaha on Kauai to Naalehu on the Big Island. The issues that concern ILWU members are the same issues that concern the people of Hawaii.

All state lawmakers receive a copy of the complete ILWU Legislative Program and the following priorities identified for 2003 Legislative Session.

ILWU Legislative Priorities

1. Ensure implementation of Medicaid Waiver and Hawaii Rx Programs to lower the cost of prescription drugs.
2. Ensure compliance with the medical premium rate making oversight legislation.
3. Oppose increase in "tip credit" increase which is applied to lower the minimum wage paid.
4. Oppose reducing the scope of coverage of Workers Compensation by specifying exemptions to the law.
5. Support establishing a State "living wage" program for those contracted by the State and County and for those doing business on public property.
6. Strong opposition to any so-called "right-to-work" legislation.
7. Provide for long neutrality for any contractor receiving state or county funds (cannot favor or oppose labor organizing).
8. Support legislation ensuring that state subsidies are spent wisely and that requires assessments of the cost effectiveness of tax incentive programs and evaluations if promised outcomes are delivered.
9. Support the establishment of a State long-term care program.
10. Protect the Pre-Paid Health Act.
11. Strong support of continuation of the statewide school system and statewide policy making board.
12. Support the working waterfront. Any waterfront development must ensure the continued safety and viability of the ongoing operations of the existing maritime related activities in the Honolulu Harbor area and all other ports statewide. Support the Jones Act and the Passenger Service Act.

Important Notice on ILWU Political Action Fund

Delegates to the 30th Convention of the ILWU, meeting in Honolulu, Hawaii, April 7-11, 1997, amended Article X of the International Constitution to read:

"SECTION 2. The International shall establish a Political Action Fund which shall consist exclusively of voluntary contributions. The union will not favor or disadvantage any member because of the amount of his/her contribution or the decision not to contribute. In no case will a member be required to pay more than his/her pro rata share of the union's collective bargaining expenses. Reports on the status of the fund and the uses to which the voluntary contributions of the members are put will be made to the International Executive Board.

"The voluntary contributions to the Political Action Fund shall be collected as follows:

"Up to One Dollar and Fifty Cents (\$1.50) of each March and July's per capita payment to the International Union shall be diverted to the Political Action Fund where it will be used in connection with federal, state and local elections. These deductions are suggestions only, and individual members are free to contribute more or less than that guideline suggests. The diverted funds will be contributed only on behalf of those members who voluntarily permit that portion of their per capita payment to be used for that purpose. The Titled Officers may suspend either or both diversions if, in their judgement, the financial condition of the International warrants suspension.

"For three consecutive months prior to each diversion each dues paying member of the union shall be advised of his/her right to withhold the contribution or any portion thereof otherwise made in March and July. Those members expressing such a desire, on a form provided by the International Union, shall be sent a check in the amount of the contribution or less if they so desire, in advance of the member making his/her dues payment to the local union for the month in which the diversion occurs.

"Those members who do not wish to have any portion of their per capita payment diverted to the Political Action Fund, but wish to make political contributions directly to either the Political Action Fund or their local union, may do so in any amounts whenever they wish."

No contribution - I do not wish to contribute to the ILWU Political Action Fund. I understand that the International will send me a check in the amount of \$1.50 prior to March 1, 2003.

Less than \$1.50 - I do not wish to contribute the entire \$1.50 to the ILWU Political Action Fund. I will contribute _____. I understand that the International will send me a check for the difference between my contribution and \$1.50 prior to March 1, 2003.

More than \$1.50 - I wish to contribute more than the minimum voluntary contribution of \$1.50 to the ILWU Political Action Fund. Enclosed please find my check for \$_____.

Signature _____

Name _____

Address _____

Local # _____ Unit # _____

Return to: ILWU, 1188 Franklin Street • San Francisco, CA 94109
NOTE: CONTRIBUTIONS ARE NOT DEDUCTIBLE AS CHARITABLE CONTRIBUTIONS