... An Oak Harbor Christmas

(From Page 1)

worked at Oak Harbor since its Portland terminal opened 22 years ago, and feels like he helped build the company.

This is the first time in 30 years of operation that the Teamsters at Oak Harbor have gone out on strike, and they say they had little choice but to do so.

After ownership of the privately-held company passed from founder Henry Vander Pol to his sons David and Edward, the sons set out to bust the union, Teamsters say.

Oak Harbor Freight Lines, based in Auburn, Washington, is one of the largest trucking companies in the Northwest, with over 1,300 employees, over $150 million in annual revenues, and 32 terminals in Washington, Oregon, and Idaho.

Before contract bargaining even began, David Vander Pol told Teamsters Joint Council 28 President Al Hobart that Oak Harbor owners had met with several East Coast shipping managers at companies that defeated Teamster strikes and eliminated the union. Oak Harbor could pursue that option, Vander Pol told Hobart.

Oak Harbor hired Davis Grimm Payne & Marra, Seattle's leading union-avoidance firm, to handle negotiations. When bargaining started in August 2007, the company demanded more than 100 changes to the contract — a mature agreement that had been worked out over three decades of negotiations. Bargaining dragged on well past the Oct. 31, 2007 expiration of the previous contract. The company would not budge on demands like ending paid sick leave and retiree health coverage.

The cause got a boost ... when a well-respected human rights group published a report saying Oak Harbor is in violation of internationally recognized labor rights standards.

In a DVD mailed to workers' homes, David Vander Pol told workers they'd be replaced if they went on strike. The company told workers how to go non-union, and distributed forms they could use to resign or modify union membership in preparation for crossing their own strike picket line.

When the strike began Sept. 22, the company was ready with replacement workers. Oak Harbor had contracted with Modern Staffing and Security Consultants — a Florida company that specializes in recruiting strikebreakers — as early as late 2006.

To the Teamsters, all this suggests that Oak Harbor never intended to reach agreement on a new contract. That would be against federal labor law, which requires union employers to bargain "in good faith" to reach an agreement. But the union will have to prove its case to the National Labor Relations Board (NLRB). When a strike is called to protest labor law violations, known as "unfair labor practices," an employer may legally replace strikers, but not permanently. If the NLRB agrees with the union that Oak Harbor broke the law, strikers could get reinstatement with back pay.

The union won Round One when the NLRB agreed Nov. 26 that Oak Harbor broke the law: It tried to bypass the union and negotiate directly with workers through a company-created "drivers committee," and it made changes in the workplace without bargaining with the union. The company has legal avenues to appeal that.

But the union isn't waiting for the government process to deliver victory. It also reached out to community groups to pressure Oak Harbor customers to take their business elsewhere.

Many Oak Harbor customers are apparel companies, and some have brand names to protect — and corporate codes of conduct guaranteeing labor rights protections within their supply chains.

Gap, Inc., for example, stopped using Oak Harbor not long after activists draped a 35-foot protest banner on a billboard next to its San Francisco global headquarters. Other major customers have suspended business until the strike is resolved, including JC Penney, REI, Urban Outfitters, and Maytag Corp.

Strikers and their supporters continue to target holdouts — like Nike, Burlington Coat Factory, Sally Beauty Supply, and Millstone Coffee — that are still using Oak Harbor.

The cause got a boost Nov. 25 when a well-respected human rights group published a report saying Oak Harbor is in violation of internationally recognized labor rights standards. The Washington, D.C., based International Labor Rights Forum convened a panel of international labor rights experts, reviewed documents and interviewed all sides. They concluded that Oak Harbor intentionally provoked the strike by proposing changes to wages, benefits and working conditions that would be unacceptable to the union and its members, and then used permanent striker replacements to undermine freedom of association and the right to collective bargaining.

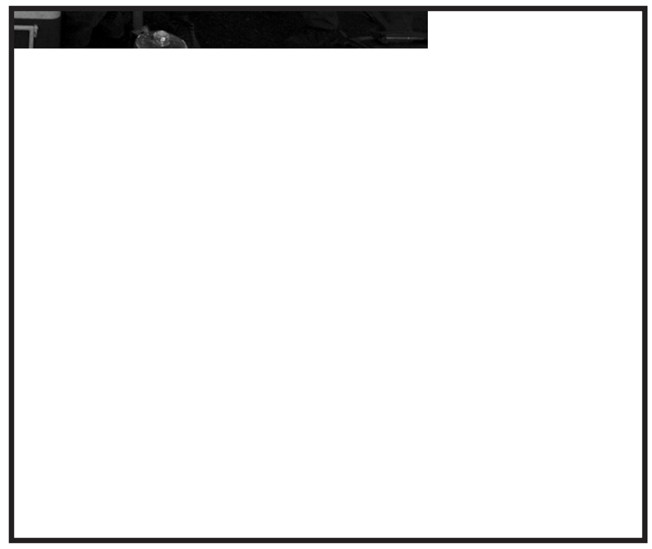
That finding gave companies like Gap, Inc., greater grounds to dump Oak Harbor. But strikers like Murillo point to other reasons closer to the ground.

"Oak Harbor didn't realize what kind of pull us drivers had with their customers," Murillo said.

Route-based drivers like Murillo visited all their customers the day the strike began and asked them not to ship through Oak Harbor until the dispute ends.

Oak Harbor's business is as a regional LTL (less than truck load) carrier. At machine shops, hospitals, retailers, and factories, Oak Harbor trucks drop off and pick up pallets and boxes that are larger than the parcels carriers like UPS handle, but smaller than full containers.

"I spoil my customers," Murillo said. "I know their procedures. I wrap their pallets. I catch mistakes on their paperwork. They let me run their equipment because they trust me."



Jeff Murillo on picket duty at Oak Harbor Freight.

Even when they don't have authority to dump Oak Harbor, sympathetic shipping department employees are helping the strikers in other ways: Postponing shipments, shifting to competing delivery companies, and giving replacements little help.

Despite worsening weather and occasional setbacks (130 workers have crossed the picket line, 18 from Portland), spirits seem high outside the entrance to the Portland Oak Harbor terminal. Strikers are staked out on a muddy wedge of land along a public right-of-way near the end of a dead-end road. They keep warm around an oil drum burning firewood, and make meals in a large camp tent. As many as 120 local strikers, doing 20 hours-a-week of picket duty, staff the picket 24-7, even though trucks go in and out mostly weekdays. One striker's wife brought an entire Thanksgiving dinner down to the picket line. Retired Teamsters brought sandwiches. Other unions and their members have contributed to the strike fund or have dropped by to bring firewood, donuts, coffee and moral support. The Oak Harbor terminal is located at 9023 NE 13th off of Columbia Blvd. Checks for the strike fund can be sent to Teamsters Local 81, 1874 NE 162nd Ave. Portland, OR 97230.

"We've been bolstering each other," said striker Mike Schoen, who serves as recording secretary at Teamsters Local 81. "We're all tight now."

Strikers don't just stay outside the terminal gate, but venture out by the carload for ambulatory picketing. They follow trucks with video cameras and hop out with picket signs when the trucks get to their destinations. Sometimes, the videos document stupid, funny, and even dangerous mistakes by the replacement drivers. Some of those are posted on *Youtube.com*, like a video of a double trailer driven nearly a mile with its rear trailer tires locked and squealing on the highway.

Some strikers have found other work. Murillo is looking. A volunteer lieutenant for Boring Fire Department for 11 years, he's half-way through the testing process for a job at the Gresham Police Department. If he gets it, Murillo said regrettably, he won't come back to Oak Harbor.

"I spent 22 years here," Murillo said. "I have a premium route, a premium start time, five weeks vacation. Now I'm looking where I'd have to start all over again, work weekends and nights."

Murillo says he's one of the lucky ones. He and his wife own their manufactured home outright. Other strikers are in danger of losing their homes, having their cars repossessed. One co-worker is having to pay $900 a month to keep up health insurance, so his wife, recovering from cancer, can get the drugs she needs. Some retired Oak Harbor workers, living on a fixed income, had to look for work when the company quite paying retiree health premiums.

"I feel hurt inside, because of all the years and time and the hard work we gave to this company," Murillo said. "I don't understand why they could do this to us."