

BrucePac's workers say no to union

By **DON McINTOSH**
Associate Editor

At a pair of cooked meat and poultry processing plants in Woodburn and Silverton, Oregon, a group of 284 mostly immigrant workers will remain nonunion. A July 26 election, conducted at BrucePac by the National Labor Relations Board (NLRB), resulted in 57 votes for joining Laborers Local 296, and 189 against.

The union effort was led by a group of BrucePac workers, with support from Local 296 Business Agent Jack Roy and Spanish-speaking dispatcher Dagoberta Aranda. To oppose the campaign, BrucePac employed the nationally-known anti-union law firm Jackson Lewis, and held over a month of workplace "classes" which were led by Spanish-speaking consultants.

Ironically, BrucePac was the test case in a 2010 federal court lawsuit in which the U.S. Chamber of Commerce tried to strike down the Worker Freedom Act — a 2009 Oregon law which bans mandatory anti-union meetings. The law makes it illegal for employers to discipline workers for refusing to attend such meetings. No workers were disciplined for refusing attendance at BrucePac, but lawyers for the company and the Chamber argued that their free speech rights were infringed because they held off holding the mandatory

meetings. U.S. District Court Judge Michael Mosman tossed out the lawsuit, saying the plaintiffs were premature to sue before any worker had made use of the law. In the event, BrucePac appears to have complied with the law that the meetings not be mandatory. Aranda, the Local 296 dispatcher, said workers were afraid to refuse attendance. But several workers did refuse, and weren't disciplined.

Aranda said he was surprised by the election result. Workers had motive to want a union, including management mistreatment and wages of \$9.50 to \$14 an hour — for hard work in very hot and cold work environments.

"Out of all the places I've ever heard of, this place really deserves a union," Aranda said.

But on June 29, 2009, three weeks after an initial meeting with the union, BrucePac laid off 17 union supporters, nearly every worker who had attended the meeting. Local 296 filed a flurry of charges with the NLRB, and a federal administrative law judge ordered reinstatement and back pay for three of the workers after a February 2010 trial. BrucePac complied with the order, and two workers accepted reinstatement. But the company also appealed the judge's decision to the full Board in Washington, DC. Two years later, the case is still pending.

In the meantime, Local 296 stayed in touch with pro-union workers at the company, and on June 19, requested the union election.

Local 296 filed an unfair labor practice charge protesting company removal of union literature from a bulletin board, but later withdrew the charge.

Several weeks before the vote, "Union No" stickers were so common in the workplace that Aranda says he advised pro-union workers to wear the stickers as well, to take the pressure off. But Aranda said one known pro-union worker had her truck windows smashed the day she put a sticker on.

Aranda also thinks the company may have had union staff followed: Workers told him that a video shown during the anti-union meetings included images of Aranda at a bar and Local 296 business manager Ken Morgan at an airport, with consultants insinuating that member dues permit union leaders to live the high life. Consultants also reportedly warned that unionizing could lead to strikes, and that strikes could cost workers their jobs.

Looking at the vote count, Aranda says it's clear the consultant strategies worked.

"They had more time and money and were willing to do whatever it took to make sure it didn't happen," Aranda said.

Busted!

A sampler of recent charges of employer labor law violations at the local office of the National Labor Relations Board (NLRB).

Pro-union? You're fired

Several months went by at the National Labor Relations Board's Portland office without any charges that workers were fired for union-type activity, but this summer the charges poured in. Two wind turbine maintenance workers said **Vestas American Wind Technology** fired them in February for union activity. Portland **Industrial Workers of the World** said **Livin Spoonful**, a maker of vegan raw crackers, terminated a worker June 6 because of union activity. At **Universal Recycling Technologies**, **United Steelworkers** said two workers were fired in January and February. And **Communications Workers of America Local 7901** said **Fund for the Public Interest**, which does fundraising for **OSPIRG** and **Environment Oregon**, fired a fourth pro-union worker and threatened the recently unionized call center with closure.

AT&T manager: 'I'll put a target on your back'

CWA Local 7901 says an area manager at **AT&T Mobility** retail has gone rogue, acting like there's no contract, and openly discriminating against workers for being active in the union. Unionists say he publicly berated a steward, told a worker he'd put a target on his back if he sought out the union, and warned groups of workers that the union can't save their jobs, so it's not worth it to get involved.

Trees Inc charged with harassing union steward

Todd Williams, a union tree-trimmer in Coos Bay, believes managers at **Trees, Inc.** tried to intimidate him — because he's been active filing grievances on behalf of co-workers. Williams says the day before a scheduled arbitration on a grievance he had filed, a manager told him at the beginning of his shift that his job was at risk. Then, near the end of his shift, a district supervisor walked right up to him at a Pacific Power pole yard and proceeded to scream at him for several minutes, ordering him to clean vehicle windows and mirrors. Williams is a union steward and member of **International Brotherhood of Electrical Workers Local 659**. His complaint was investigated by the NLRB, but it dismissed the charge on July 18.



Sharon Maynard
• Social Security Disability



Nelson Hall
• Personal Injury
• Workers Compensation

Serious Injury and Death Cases

- Construction Injuries
- Automobile Accidents
- Medical, Dental and Legal Malpractice
- Workers' Compensation Injuries
- Social Security Claims



**BENNETT, HARTMAN,
MORRIS & KAPLAN, LLP**
ATTORNEYS

"Working hard for hard working people"

210 SW MORRISON STREET, SUITE 500
PORTLAND, OREGON 97204-3149

503 227-4600

WWW.BENNETTHARTMAN.COM

Our Legal Staff are Proud Members of **UFCW Local 555**

Your Oregon & Washington
Union Mail House.



MORE INK

Print anything, mail anywhere.
Formerly Witham and Dickey

Proud Mailers of the
Northwest Labor Press

www.morelink.biz | 503-736-0111 ext. 40



**We Shop the
Insurance
Companies
for You!**

We'll find the right coverage
at the best price for all your
personal insurance needs.

- Independent agency
- Fully union owned by
Teamsters Federal Credit Union

Insurance Agency

503-251-2398

Toll Free 866-312-2399

www.cuinsuranceagency.com



**Quest Investment
Management**

*Serving Multi-Employer Trusts
for over 27 Years*

Cam Johnson
Jon Bettendorf
Doug Goebel

Greg Sherwood
Monte Johnson
Adrian Hamilton

One SW Columbia Street, Suite 1100
Portland, Oregon 97258
503.221.0158 • www.QuestInvestment.com