

...In secret audio, Columbia Sportswear managers plot to fire unionists

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where our reporting ended.

Since then, the anti-union offensive continued. Consultants returned in January. Anti-union workers circulated an anti-union petition. As workers arrived on the job, a front desk receptionist asked them to sign.

Rory Gatto, the union campaign's most vocal supporter, describes the chill that settled on the workplace in an affidavit later provided to the National Labor Relations Board (NLRB). Managers were on the floor watching employees. Anti-union employees bullied pro-union co-workers.

"Managers and supervisors who I had friendly work relationships with started avoiding me," Gatto said. "They wouldn't look at me. They wouldn't talk to me."

Our Jan. 3 story centered on Gatto, a warehouse worker who had become disillusioned with the company in 2015 after a fruitless months-long effort to get the company to restock empty first aid kits.

On Feb. 19, Gatto was called into human resources, and two days later he was terminated.

The incident the company used to fire Gatto is fairly convoluted. Seeking to defend a co-worker he felt was being bullied, Gatto had gotten into a spirited argument with another co-worker on a private invitation-only online chat server called Discord that Gatto himself had set up for union supporters to communicate. The co-worker he argued with betrayed him by taking a screenshot of the conversation and going to company management with it. In the warehouse human resource office, a manager accused Gatto of making co-workers uncomfortable with things he'd said, and as evidence read aloud what Gatto had written on the Discord server. Gatto denied he'd authored the comment, and left the meeting, later refusing to return to human resources to face what he denounced as a "kangaroo court." He then tried to defend himself by suggesting that management investigate threats that had been made against him — on Facebook accounts purporting to be those of a manager and co-worker, but which he knew to be fake. It backfired, and Columbia Sportswear terminated him for violating the company's code of ethics by impersonating co-workers online.

It's important at this point to understand that firing union supporters is an all-too-common feature of company anti-union campaigns. A 2019 study by the Economic Policy Institute found that U.S. employers faced charges of firing pro-union workers in somewhere between one fifth and one third of all union election campaigns. Firing workers for supporting a union is a violation of federal labor law, but companies get away with it all the time. Managers look for a pretext, use that to fire the union supporter, and then deny that defeating the union was the motive for termination. It can be difficult for a worker to prove otherwise.



Warehouse worker Rory Gatto wanted the same wages, benefits, and workplace rights that Teamster-represented workers get. Managers wanted him gone.

In Gatto's case, we're to believe that a five-year employee was terminated for a petty online quarrel. And who's to say otherwise? Except that in this case, there's a very unusual piece of evidence: A remarkable set of four secretly recorded audio files show conversations among Columbia Sportswear managers plotting to get rid of Gatto after he led co-workers in the bold march to demand an end to the anti-union campaign.

Two of the voices on the recordings appear to be those of Alonzo Plater, Columbia Sportswear's vice president of global distribution, and Jeanette Williams, director of distribution.

In the recordings, Columbia Sportswear managers can be heard discussing how to get rid of Gatto and other union supporters. They refer to a list of names of known union supporters, and discuss individual workers who signed the union petition or wore union T-shirts. They go through the names of workers they want to fire, and talk about how to build a case that will stand up to NLRB scrutiny. One manager names two workers who are "too dumb to know what they're doing" — "They are very clearly being taken advantage of."

Managers also talk about coaching employees who are anti-union on how to be more vocally anti-union — wearing anti-union shirts, getting rid of union literature in the break room.

"Go in there and rip them all up if you wish, but you didn't hear it from me," a manager says she told a worker.

Managers appear to be really bothered by workers wearing union T-shirts on the shop floor. One suggests that people might join the union just because they want a T-shirt.

But the greatest animosity is reserved for Gatto.

In one recording, Williams refers to

"We gotta fire him right now. He's got a pair on him to show up with that T-shirt on."

"Pistol whippings?"

"No, we need more discipline than that."

Gatto as the "ringleader" and talks about his having led the march on the boss. "He's the one that gave the speech," Williams says. "I had the door open and here comes Rory with his entourage and had a folder just like this in his hand and he's like ah you guys have a minute? All sweet like and you could tell he was just nervous as shit."

They talk about finding things to discipline Gatto for, and discuss whether he's posted things to Facebook on work time.

"I'm thinking of just doing something terrible," a manager says, "like have him walk away from his computer while he's still logged in, 'accidentally' open a website and say, hey what's this? What are you doing?"

Elsewhere, Williams and another manager discuss promoting Gatto into management.

"It would be an easy way out," she says.

"Just put him in a position," the other manager says, "and that after you know, give him nine days and you know, just tell him ... You suck at this job, so we're going to go ahead and let you go."

"And pistol whippings?" one manager jokingly suggests.

"No, we need more discipline than that," what sounds like Plater replies.

Whatever device recorded the conversations seems to be noise-activated, because the recordings seem to cut out when voices are too quiet to trigger a threshold. Gatto says a co-worker placed the device, and sent him the recordings.

Under Oregon law, you're allowed to record a conversation that you yourself are a part of, whether or not you tell the other party. But it's illegal to record a conversation if neither party is aware. In other words, whoever placed a listening device in the Columbia Sportswear manager's office likely broke state law. But the recording appears to reveal managers plotting to

break federal law.

On March 4, two weeks after he was terminated, Gatto filed a legal complaint against the company with the NLRB. The filing, known as an unfair labor practice charge, was dismissed May 7 because Gatto failed to electronically file a signed affidavit, and ignored several reminders. Gatto admits he screwed up, but says he plans on refileing the charge, which he's allowed to do. Workers have six months from the time of their discharge to file.

Gatto says he's collecting unemployment, but he'd like to win reinstatement. He stays in contact with union organizers and former co-workers, and is enthusiastic about supporting former co-workers in their effort to win union representation.

But union organizers say his firing accomplished a purpose.

"It had a chilling effect," says Teamsters lead organizer Thom McKibben. "Workers who'd been very involved became worried they'd lose their jobs too."

"To put it bluntly, the campaign took a hit when they fired Rory," says Bobby Rispler, a union organizer who works for Teamsters Local 162. "It scared the shit out of the workers."

McKibben also says a lot of union supporters have left: Because of the nature of the work, and the way they treat workers, it's a high-turnover workplace.

A few weeks after Gatto was fired, the COVID-19 epidemic hit. The company closed its retail stores until the end of April, but kept the warehouse open throughout for online orders. The epidemic forced the union to pivot to organizing and holding meetings online. It may also have made it harder for Columbia Sportswear to hold workplace anti-union meetings in the warehouse.

And the epidemic added a new set of concerns. Would the company that Gatto couldn't get to replace Band-Aids now do what it takes to keep workers safe? Rispler says the answer is no: The company put production over safety.

"We had reports that the company wasn't taking seriously social distancing and PPE," Rispler said. "Conditions were pretty abysmal."

The warehouse is said to have shut down twice after workers tested positive for COVID-19.

To add insult to injury, the company started using the hashtag #TougherTogether in its social media campaigns, including posts encouraging customers to stay safe by staying home. TougherTogether is an obvious reference to the company's long-time ad campaign "One Tough Mother." But it's the slogan workers coined for their union campaign back in December, and the name they gave the union Facebook page.

"It's not a coincidence they stole our slogan," Gatto says. "To me it's simple. The company wants to silence us in the workplace."