

Imperfect Foods busts union

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company raised pay considerably for new hires but not for those already working there. Schedules that could change hour to hour was another big complaint.

“Come in tomorrow at 5 a.m.’ ‘Come tomorrow at 10 a.m.’ The way they jerk around our schedule is just ridiculous,” one union supporter told the Labor Press.

Rispler was assigned to help the workers unionize, and they started collecting signatures on union authorization cards. When the pandemic hit, the effort fell into disarray, but it relaunched in April 2021. Once three fourths of the workers had signed up, Local 162 asked the National Labor Relations Board (NLRB) on May 4 to schedule an election.

But U.S. labor law doesn’t let workers choose who can or can’t be in their union. Employers can object, and the NLRB gets to decide. Seeing that Teamsters Local 162 had support at the Clackamas location, lawyers for Imperfect Foods argued that the bargaining unit really should include

Springfield, Oregon, as well. And Boise, Idaho. And SeaTac, Tumwater, Mt. Vernon and Spokane Valley, Washington. The pro-union workers at Clackamas who got involved with the union had never met those other workers before.

Local 162 was faced with a choice: Team up with six other Teamster locals to quickly launch a three-state union campaign from scratch, or fight it out in administrative proceedings in front of a federal administrative law judge, delaying the union election. Either way, the odds were stacked in favor of the anti-union company. Rispler and Local 162 opted to go for broke with a three-state campaign, knowing that delay can be fatal in a union campaign because anti-union employers will use their overwhelming control of the workplace to wage demoralizing daily assaults on a fledgling union.

Soon, drivers were ordered to attend mandatory anti-union meetings in the workplace—on the clock, and on top of drivers’ already long 10-hour shifts. The meetings lasted one to two hours, and took place every day for a

“I have deep admiration for organized labor. The contributions of labor unions to the quality of life and earning power of millions of workers are endless.”

—Imperfect CEO Philip Behn, who then hired a union-buster

week, and then twice a week for several more weeks.

Requiring employees to attend anti-union meetings is actually illegal in Oregon under a 2009 law. But for the law to be used, an employee would have to refuse, be disciplined, and then file suit.

Leading the meetings was a professional union buster named Jorge Sandoval. A union would be a third party coming between management and workers said Sandoval, himself a third party paid by the company. Sandoval allegedly screamed in the face of a worker who argued back.

Executives also took part in the meetings, including chief operations officer Neil Neufeld and regional vice president of operations Joe Craig. At one of the meetings, Neufeld pleaded for

compassion, according to a driver who was there: If they vote in the union, he told workers, he’d be fired.

Some anti-union workers got active and vocal. The company sent them to the SeaTac distribution center to present their opinions on paid time.

Besides the meetings there were anti-union workplace fliers, mailings, and text messages, sometimes multiple times a day.

Imperfect Foods was frantic to prevent a repeat of what happened in San Francisco. On April 15, a unit of 80 workers there voted 28 to 23 to join United Food & Commercial Workers Local 5, despite the company hiring a union-busting consultant and holding daily 2-hour mandatory meetings for two straight weeks. Imperfect Foods challenged that vote result, but its objections were dismissed by the NLRB.

CEO Philip Behn—who joined Imperfect Foods in 2019 after 10 years as an executive at Walmart—professed “deep admiration for organized labor” in an April 21 post on the company blog, and especially for Cesar Chavez and Dolores Huerta, “who [laid] the groundwork for

companies like Imperfect Foods to build on.”

“[This] illustrates the point that CEOs will do and say anything to make sure that rank and file workers don’t have a say in the workplace,” Rispler said.

When ballots were counted July 19, it was 42 for the union, and 44 against.

“Unfortunately, their union busting efforts were very effective,” Rispler said. “Their strategy from the moment they brought union busters in was to exhaust the bargaining unit. It was daily meetings, relentless texting. They were just anti anti anti anti around the clock.”

Despite the defeat, Rispler said he’s staying in touch with committee leaders and could try again in a year.

During its all-out anti-union offensive, the company promised to do better. Since the election those promises have evaporated. A promised \$500 bonus became \$350. Evaluations were promised in July, followed by raises in August. That didn’t happen. And workers were told they’d get a “gift” in their account, a credit toward their own food box purchase. It ended up being (and no, this isn’t a typo) \$6.



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