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"FIGHTING THE UNION-BUSTERS:" AN INTERVIEW WITH ROME ALOISE OF TEAMSTERS 853

Editors' Note: In a recent series of articles, the Labor Center Reporter examined the history of employers' offensives against unions and surveyed the recent rise of union-busting law firms in the United States. How is the labor movement dealing with today's rising threat from professional union-busters? In several upcoming articles, we will talk with labor union organizers, business agents, and other officials about their experiences dealing with law firms bent on destroying labor's rights. For this issue, Anne Lawrence, of the Center for Labor Research and Education staff talked with Rome Aloise, Trustee and Director of Organizing for Local 853 of the International Brotherhood of Teamsters. Local 853, which represents over 4,000 warehouse and related workers in the East Bay, has recently conducted many elections in which employers retained the services of Littler, Mendelson, Fastiff, and Tichy, a leading anti-labor law firm based in San Francisco. In this interview, Mr. Aloise talks frankly about techniques Local 853 uses to win organizing elections and negotiate contracts when opposed by professional union-busters.

"Local 853 has done extensive organizing over the past five or six years in a myriad of different types of workplaces. We've organized everyone from physical therapists to bus builders and everyone in between--basically any shop which needs representation. In the six years since I started here as organizer, roughly 65 to 70 percent of our campaigns have been held against employers represented by the law firm of Littler, Mendelson. In the past few years, the proportion has gone even higher. It sometimes seems to me as if they solicit business on people we file petitions on.

"There are other law firms around which play hard ball with unions, but none bust unions with the tenacity and the outright control over the client that Littler, Mendelson does. Any employer who absolutely does not want to get involved in the process of collective bargaining goes to them. On the basis of my experience, I'd have to characterize them as by far and away the most ruthless law firm in the area.

THE UNION-BUSTING STRATEGY

"At least against the Teamsters, they have a standard campaign they sell to employers, designed to work over a three-week period leading up to a representation election. It starts off with literature on 'everything you always wanted to know about the Teamsters but the organizer didn't tell you.' They quote parts of our local bylaws and international constitution out of context to make the union look bad. Then they start the personal attacks on the organizer and the people involved in the union. At some point, they always bring in the corruption issue. It's all designed to create a credibility gap between the organizer and the people.

"Our strategy has been to expose the people to all the arguments they're going to get from Littler, Mendelson before they hear them. Over the years, we've developed a 'book' on the firm. We know exactly what they're going to say before they say it. Their arguments aren't logical, and they don't work with the people if you get a chance to talk with them beforehand. We also trap the managers into saying they wrote all their own campaign literature. Then we show up with six letters identical to the one the company's used, on different corporate letterheads. That's quite effective.

"Littler, Mendelson will try to delay the election as long as possible. Unfortunately, there's really no way around that. With one company, we went through nineteen days of hearings, while the supervisors read technical manuals on the stand. It's very frustrating, but the National Labor Relations Board is very concerned about due process, and as long as the laws are structured the way they are, we are going to have to live with it. We just tell the people in advance, 'You've got a long wait for an election.'"

STOPPED WITHOUT A CONTRACT

"At this point, winning elections is actually not a serious problem for us. The big units will always be a problem. But in the medium and small sized units, we are currently winning about 90 to 95 percent of our elections against the Littler office. The game isn't in the election any more--it's at the bargaining table. In the first year this local organized on a full-time basis, we organized 27 companies and got 19 contracts. This last year, we organized 14 companies and got three contracts. Out of the 14, 11 were represented by Littler, Mendelson. We still don't have a contract in any of those companies."

"The Littler attorneys go into negotiations with thousands and thousands of proposals. Pages of management rights clauses, that sort of thing. They won't give us union security--naturally the most important clause in a new contract. The only way around it is to convince the employer he's paying for nothing, since eventually he'll have to take a strike anyway. Unfortunately, strikes are not necessarily a big threat any longer. This firm is also well versed in strike breaking and the use of scabs."

"One tactic we use at this stage is just to keep them in meetings all the time and run up the bill. It can hurt employers financially, especially the smaller ones, when they're paying these attorneys anywhere from \$100 an hour on up. Later we'll come in with an economic proposal: 'We'll take a package equal to 75% of your legal fees for bargaining based on four meetings a month for one year.' It does start some employers thinking, 'What am I paying these guys for?'"

BEATING THE UNION-BUSTERS

"However, if you can't break that employer away from the law firm, you're doomed never to have a contract--unless you're strong enough economically to beat him. We actually did beat Littler, Mendelson in the biggest strike we've had against them, in a situation in which they represented an Owens Corning roofing firm in San Leandro. We struck ten plants around the country, shutting down seven completely. We eventually won everything we wanted."

"In that situation, we had some leverage. The Teamsters have 238 Owens Corning operations under contract nationally. But in many smaller firms, you might as well fold up your signs and go home. Strikes are impotent. The way things are going now, if you know you can't beat a company in a strike, it doesn't make sense even to get involved in an organizing drive in the first place. I believe it's the union's obligation to organize whether or not the financial incentives are there. But from a strictly business union standpoint, we probably shouldn't get involved in shops where we know we can't win."

"I've spent many nights lying awake wondering what to do about these union-busting firms. For one thing, we need more cooperation among unions. I've spoken at numerous meetings of other unions and exchanged literature we've developed for organizing drives and materials the Littler office puts out in their campaigns. We also need more training for organizers. Right now in unions, organizing is usually an entry-level job. These days, that's really backward, because it's a job that requires a lot of sophistication. And we need more membership education. Some of our members don't know where their benefits came from and what we had to do to win them. They will need to become more involved in defending their own union conditions as well as labor's right to organize without undue harassment from union-busting law firms."

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