

UNDERMINING WORKER RIGHTS

By Erin Johansson, American Rights at Work

Wal-Mart is infamous for its union-free status in the United States. Given the company's low wages, inadequate benefits, and rigid work rules, it is noteworthy that no workers have successfully organized a union at any of the chain's 3,800 stores. Workers do not stand a chance against Wal-Mart's unapologetic and aggressive interference with their legal right to form unions.

Between 1998-2003, the National Labor Relations Board (NLRB) issued at least 94 complaints against Wal-Mart, including 41 charges of illegally firing employees for union activity and 59 charges of spying on workers. These complaints resulted in at least 11 rulings against the company and 12 settlements.

While Wal-Mart apparently has no qualms about violating the law to prevent workers from organizing unions, the company also developed a strategy to quash organizing without technically breaking any laws. For instance, Wal-Mart tracks employees who have grievances with the company to identify potential hotbeds of union activity. It provides managers with tips to identify the types of employees that are more likely to organize, and orders them to call the 'Union Hotline' at the first mention of the word "union" in a store.

In the rare instances when workers attempted to organize, Wal-Mart's response illustrates the great lengths it will go to send a message to its employees that a union will never be welcome. In 2000, meat department employees at the Jacksonville, Texas, store overcame Wal-Mart's anti-union obstacles and voted for union representation. Explained former employee Joe Hendricks: "We had a lot of guts...[Wal-Mart] had everybody scared to death if you even mentioned union." According to a complaint issued by the NLRB, which was later settled, the company used numerous illegal tactics to thwart the effort, including interrogating employees and telling them that they went through their files to determine whether they were for or against the union. Joe and the other meat department employees never got their union. A mere 11 days after the vote, the company announced the elimination of meat cutter positions nationwide, thus preventing the Jacksonville workers from reaching the bargaining table.

No Wal-Mart store in the United States has since voted for union representation, but in 2004, Wal-Mart employees in Jonquière, Quebec managed to form a union. To avoid bargaining with its employees, the company retaliated by shutting down the entire store. The shocking move made headlines far and wide. Few heard the anti-union message more clearly than the company's employees in Loveland, CO, where a majority of tire and lube employees initiated steps to form a union by signing union authorization cards. According to employee Joshua Noble, the news "totally freaked people out. Even the people that had already signed union cards, they wanted to know what they had to do to back out." Two weeks after the Quebec store closing, Loveland employees voted 17 to 1 against union representation.

Through the power of example—backed by unlawful and unethical tactics—Wal-Mart remains union free in the United States. Wal-Mart's interference with its employees' freedom of association is cause for public concern. If employees of the country's largest private employer had the ability to collectively bargain and raise job standards for themselves, the impact could reverberate for workers across the country.

