

## Making Change at Walmart Stands With Walmart Associates in Bentonville, Arkansas

On June 16, nearly 100 members of a new associate-led organization, the Organization United for Respect at Walmart (OUR Walmart), traveled to Bentonville, Arkansas to speak out directly to company executives and ask for partnership in making change in stores across the country.



“There has never been a larger independent group of associates who has made a trip like this to Walmart’s Home Office,” said one Walmart worker. “We first gathered together to determine exactly what we would stand for as an organization of, by, and for associates, and we wrote down our thoughts in a Declaration of Respect – a list of issues that associates share, which includes our vision for respectful treatment in our stores and improvements to our wages, hours, scheduling and acceptance of our organization, among other items.”

After settling on the Declaration, associates boarded a bus for Bentonville to deliver their concerns.

“Because we spoke with one voice as OUR Walmart,” said the member, “A representative from corporate headquarters came out to hear our concerns and even pledged on camera there would be no retaliation against employees working for change.”

OUR Walmart provides Walmart associates an opportunity to join together to improve working conditions, their company, their own lives and most importantly, to gain more respect on the job.

The Walmart associates who traveled to Arkansas showed tre-

mendous courage and sent a clear message that their concerns will no longer be silenced. These associates are leaders for their company and an inspiration for others who want to make change at Walmart. Show OUR Walmart you stand with them by signing a solidarity petition at [www.changewalmart.org](http://www.changewalmart.org).

OP

## Court Rules Walmart “Too Big for Justice”

In a sharply divided 5-4 opinion on Monday, the U.S. Supreme Court ruled against women working at the nation’s largest retailer. The court overturned years of legal precedent to rule that Walmart’s policy against discrimination shields the company from accountability against women associates joining together to address widespread gender discrimination claims.



Community members and UFCW activists rally outside the Supreme Court in Washington, D.C.

“Monday’s decision is deeply disturbing,” said President Joe Hansen. “The highest court in our nation has turned its back on collective remedy for workers facing widespread injustices.”

The ruling will make it substantially more difficult for future class-action suits in all manner of cases to move forward. For the past 45 years, the threshold for certification of a class has been low since it is merely the first step in a suit. Now, without saying what the actual standard of proof is, the majority requires that potential members of a class show that they are likely to prevail at trial when they seek initial certification.



The decision from the court does not make any ruling on the merits of the individual discrimination claims against Walmart, but since the lost wages per year for a member of the rejected class law suit average around \$1,100, there is less incentive for lawyers to represent the workers as individuals.

Hansen stated that workers know there is power in numbers and the court's decision won't change that. "Last week, thousands of Walmart workers announced the Organization United for Respect at Walmart because workers know that they are stronger as a group," Hansen said. "Employers like Walmart have long attempted to isolate workers and prevent them from solving problems together."

"Gender discrimination at Walmart is real," said Walmart associate and OUR Walmart member Gloria Taylor. "For example, in my experience, when it comes to the evaluations, women in my store have received smaller raises. Women at Walmart deserve better and we know that the best way to address this problem and other workplace issues is to come together and take actions as associates. That's why we formed OUR Walmart."

Rallies are being held in major cities today as the decision sends shock waves through communities across the country. UFCW members, including members from Region 1, Locals 1445, 1500, 338, 1102, 1776, 5, 648 and the RWDSU, turned out to condemn Walmart's actions.

"As the country's largest retailer that sets the standard for everyone else, it's time for Walmart to stop leading from behind and create improved policies that ensure full access to equal pay and promotional opportunities and training for associates to transition into management so women will never be systematically discriminated against solely based on their gender," Hansen said.

"The UFCW believes that Walmart is not too big for justice and will continue to hold Walmart to fair workplace standards," Hansen continued. "Its 1.4 million associates deserve better." **OP**

## Proposed NLRB Rule Would Standardize the Representation Election Process

The National Labor Relations Board (NLRB) issued today a proposed new rule that will help clean up an outdated election system plagued by unnecessary employer delays and litigation, and ensure workers actually get a vote.

"Resolving representation questions quickly, fairly, and accurately has been an overriding goal of American labor law for more than 75 years," said NLRB Chairman Wilma B. Liebman in a statement. "But the current rules still seem to build in unnecessary delays, to encourage wasteful litigation, to reflect old-fashioned communication technologies, and to allow haphazard case-processing, by not adopting best practices."

Liebman acknowledged the proposed changes would be controversial and that the process of modernizing and streamlining bureaucratic processes is never easy, but expects that "in the end it will result in rules that are simpler, that are clearer, and that come closer to achieving the aim of the National Labor Relations Act: making sure that employees are free to choose whether or not they want to be represented at work, in a quick, fair, and accurate way."

The proposed rule would standardize NLRB election procedures by, for example:

- Requiring a pre-election hearing within 7 days after the notice of hearing is served (absent special circumstances), and only allowing disputed issues of material fact to be litigated at the hearing. Currently there are time targets but no deadline for scheduling the hearing.
- Deferring resolution of most eligibility issues (including all bargaining unit disputes affecting less than 20% of the unit) until after the election. Currently most eligibility issues are decided pre-election.
- Requiring employers to take a position on all issues they dispute and describe the evidence they want to produce, or else waive the right to contest the issues. For the most part, the NLRB doesn't currently impose these requirements on employers.
- Reducing the time for producing the Excelsior list to 2 days, requiring the employer to give the list directly to the union, and requiring inclusion of workers' phone numbers and email addresses if available. Currently the employer has 7 days to produce the list to the Regional Director, doesn't have to give the list directly to the union, and isn't required to provide phone numbers or email addresses in its possession.
- Encouraging electronic filing and service of papers, and oral arguments rather than filing of briefs. Currently some papers can't be provided electronically, and briefs are usually permitted.





- Allowing Regional Directors to issue their findings and reasons for directing an election after the election is held (but before the ballots are tallied). Currently decisions with findings and a statement of reasons must be issued pre-election.

The NLRB is considering amending or eliminating its current blocking charge policy, and has invited comments on this issue. The agency is soliciting written comments concerning its proposed rule amendments, and it has scheduled a public hearing for July 18-19, 2011 to allow interested parties to comment on the proposals.

Under the current rules, employers often drag out the election process as long as possible, routinely subjecting workers to intense intimidation and often illegal actions by companies.

#### Key Points

- This common sense rule would ensure workers have a basic right we hold dear in this country—the right to vote. This rule removes unfair obstacles to give workers a fair chance to vote on whether to form a union.
- Eliminating excessive litigation is good for employers, employees, and taxpayers who foot the bill. These modest changes will clean up a system plagued by delays, bureaucracy, and litigation. Currently, workers encounter delays of months and even years. Some never get to vote at all. This rule provides stability and a level playing field.
- Today, millions of Americans are out of work and struggling to get by, while CEOs are doing better than ever. Any bit of help for workers to get ahead in this economy is a good thing.
- This year, we have already seen unprecedented attacks on workers' rights. Whether you're a teacher, firefighter or nurse's aide – right-wing legislators and corporate lobbyists have made it clear that their ultimate aim is to take away your rights on the job. Those who are protesting these modest changes are the same corporate lobbyists and right-wing politicians who have been attacking workers' rights across the country. **OP**

## Grocery Workers Stand Together to Stop Underage Alcohol Sales

California grocery workers are coming together with community groups like Mothers Against Drunk Driving and law

enforcement groups like the California Police Chiefs Association to support new rules that would help stop illegal alcohol sales. The groups are all supporting a new law in California called Assembly Bill 183 which would outlaw the sale of alcohol through self-checkout machines. At a press conference in Sacramento last week, Albertson's clerk and 20-year UFCW Local 324 member spoke out in favor of the bill.

"When someone comes through my regular checkstand - I can talk to them, I know if they're intoxicated, I can smell alcohol on their breath. And I've refused to sell to people who are drunk," said Pierce. "A machine can't do that."

Lisa Austin, a worker with the non-union Fresh & Easy chain which only uses self-checkouts, spoke about the burden on grocery workers like her if the machines fail, which they often do.

"If someone underage gets alcohol on my watch because I didn't card them, because a machine didn't alarm - the legal burden falls on me, not my employer. I'm the one who is stuck being responsible and stuck with the ticket," said Austin. "AB 183 will help me do my job to keep our communities safe."



*Fresh & Easy worker, Lisa Austin, speaks out in favor of AB 183 while UFCW Local 324 member Kelly Pierce, community members and politicians stand in support.*

AB 183 has passed through the California Assembly and is currently before the State Senate. A similar bill was vetoed by Governor Arnold Schwarzenegger last year, but thanks to the hard work of UFCW members, if passed this will go before the worker-friendly Gov. Jerry Brown. **OP**