

Toll's US Operation in the Gun over Unfair Labour Allegations



By [Brad Gardner](#) | February 1, 2012

The dispute raging between Toll's US operation and the Teamsters will come to a head this month when the company faces a hearing accused of flouting the country's labour laws.

The US' workplace watchdog, the National Labor Relations Board, will rule on February 10 whether Toll has illegally targeted truck drivers at its wharf operation in Los Angeles for attempting to gain union representation.

In what has been a long-running and bitter feud between Toll and the Teamsters, the union has accused the multinational of retaliating against its workers to snuff out their year-long fight to unionise.

The Teamsters filed a host of unfair labour practice allegations with the NLRB's Los Angeles division in 2011, and last week it upheld two charges of labour violations and issued a complaint against Toll.

The matter will now go before a panel of judges at NLRB headquarters in Washington DC to be decided.

Acting Regional Director for the NLRB's Los Angeles region Mori Rubin fired off the complaint to Toll on January 27 detailing the lengths Toll's senior ranks allegedly went to in a bid to keep the Teamsters from gaining a foothold in the workplace.

Rubin writes that Toll "has been interfering with, restraining, and coercing employees" in violation of the *National Labor Relations Act*.

"As part of the remedy for the unfair labor practice(s) alleged herein the Acting General Counsel [Lafe Solomon] seeks an Order requiring that the Notice be read to employees during working time in English and in Spanish by the Respondent," she says.

According to the complaint, obtained by *ATN*, Toll repeatedly threatened and spied on workers with union sympathies and even brought in an anti-union labour consultant to offer inducements to employees if they stopped agitating for union representation.

The Vice President of West Coast Operations, Rich Nazzaro, is accused of engaging in the same practice and for trying to ban employees from talking about the Teamsters.

Furthermore, Rubin alleges Senior Vice President of Operations Joe DeSaye, interrogated employees about their union activities and promised improved benefits and working conditions if they stopped supporting the Teamsters.

The complaint also alleges Toll, which has repeatedly denied allegations of breaching US labour law, hired security guards to prevent drivers from talking to one another and implemented discriminatory hiring practices to discourage union membership.

Toll has been given until February 9 to respond to the allegations or risk having the NLRB panel rule against it.

"If no answer is filed or if an answer is filed untimely, the Board may find, pursuant to Motion for Default Judgment, that the allegations in the consolidated complaint are true," Rubin says.

TOLL TO FIGHT 'UNTRUE' ACCUSATIONS

A spokesman for Toll says the trucking giant will defend itself before the NLRB's panel in Washington.

The government agency on December 29 last year dismissed allegations Toll sacked drivers with union sympathies and prevented staff from speaking to each other about the union.

Toll released a statement last month claiming the decision shows the company is "a law-abiding international business" and that it is working to protect itself, its customers and its employees "from the unfair accusations made against us".

"Toll continues to seek the formal dismissal of the remaining two minor allegations, both of which are untrue," Toll General Manager of Group Corporate Affairs Andrew Ethell says.

"We believe the union has seriously damaged their claim to be acting in our employees' interests by seeking to undermine the hard-won customer work of Toll employees in the US and around the world."

The Teamsters has waged protests outside Toll's facilities and the Australian Consulate in Los Angeles and handed out leaflets outside the stores of Toll's big-name customers such as Guess and Ralph Lauren to publicise its campaign.

"Store managers have reported there is growing concern over these issues. We've got some tremendous response from customers from the various retail stores," Teamsters campaign director Nick Weiner says.

Toll drivers as recently as last week were still accusing their employer of shabby treatment.

Xiomara Perez, who has driven for the company for two years, told journalists during a teleconference: "I personally have been subjected to interrogation and intimidation by Toll managers and many of my co-workers have been subjected to the same practice, but we remain strong and united," she says

Another Toll driver, Luis Alay, claims drivers are treated like "animals".

"We deserve to be treated with respect and dignity," he says.

DRIVERS FILE FOR UNION ELECTION

Their comments came amid an announcement drivers would push for a union election to allow the Teamsters to represent them.

The Teamsters last week filed for an election with the NLRB but it claims Toll is likely to instigate a range of tactics to delay a vote.

"As someone who has been around the labour movement my entire life, I can tell you for many workers it's akin to management putting them through a meat grinder," is how Weiner describes workplace elections in the US.

Professor John Logan, who is the Director of Labor and Employment Studies at San Francisco University, says there are serious flaws with the balloting process because it is open to exploitation.

"We have documented examples in the US, which I have written about, where so-called union avoidance law firms and consultants explicitly advise employers to use delay in the process as a way of undermining employee support for unionisation," he says.

"The NLRB is trying to deal with it because it recognises it is a very serious problem that is exploited by employers who are determined to remain union-free and use delays undermining employee free choice."

However, Ethell says Toll supports an election and adds that the company works with unions where employees choose to join.

"The Teamsters union has at last filed a petition for election...following seven months of running their over-hyped and misleading campaign against Toll and its employees," he says.

"Toll believes it should be up to employees, via this official ballot, to decide whether they need representation, and welcomes this latest development."

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