

# Teamsters union pulls stunt strikes at southern California ports

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Truck drivers at the ports of Los Angeles and Long Beach (LA-LB) have been on strike eight times in the last two years. The latest action started on October 26 and lasted five picketing days before the International Brotherhood of Teamsters shut it down.

The list of workers' grievances is long and well-documented: from safety hazards to appalling working conditions, from retaliation to intimidation for filing claims against the companies, from wage theft and negative paychecks to misclassification as "independent contractors" instead of employees.

The trucking/logistics industry is a crucial, expanding component of global economy and has seen vast changes in the last 35 years. In 1935, as part of the New Deal, the Motor Carrier Act had established a "code of fair competition," and the Interstate Commerce Commission was appointed to regulate the trucking industry.

In 1962, President Kennedy was the first to propose that regulations be curtailed. In 1975, President Ford openly called for legislation that would deregulate the industry. With President Carter in 1980, deregulation found concrete expression in the Motor Carrier Act of 1980.

This was a turning point for truck drivers' living standards: competition among them meant a race to the bottom and a shift from decently paid employment with benefits to risky and precarious independent contracting. Union membership, consequently, sharply declined.

In 2010, the Teamsters' mother ship, the Change to Win Strategic Organizing Center, teamed up with the National Employment Law Project (NELP) and the Los Angeles Alliance for a New Economy (LAANE), both labor advocacy organizations. They mounted an effort to revive "the shared prosperity and upward mobility known as the American Dream," a failed pro-capitalist slogan still used by the Change to Win union federation in its current recruiting campaign strategy.

Various legal and labor experts from the three organizations, such as Paul Alexander Marvy (Change to Win), Rebecca Smith (NELP) and Jon Zerolnik (LAANE),

joined forces and analyzed the logistics industry from the viewpoint of misclassification within the legal framework of the capitalist state. Truck drivers and other workers, they reasoned, are employed illegally as independent contractors and therefore are suffering wage theft and lack unemployment, medical, disability and other benefits.

A strategic report, "The Big Rig Overhaul," was produced, with the assistance of Professor David Bensman of Rutgers University, as the basic theoretical plan of action to intercept oppressed workers and increase union membership.

In 2012, LAANE held workshops counseling truck drivers about their legal options. With the help of the Teamsters, hundreds of claims against trucking companies were submitted by drivers to the California Division of Labor Standards Enforcement (DLSE); 21 class action lawsuits were filed.

The DLSE found at least 113 cases of misclassification, with penalties against drayage companies Green Fleet Systems, Seacon Logix, Western Freight Carrier, Total Transportation Services and Mayor Logistics. This last company appealed and lost at the Los Angeles Superior Court. Judge Michael P. Vicencia summarized the deciding principle: "I am a believer in free markets. This was not a free and open market."

While LAANE provided legal counseling, the Teamsters played the main role in the development of industrial action in the last two years, by organizing and shutting down what would be more appropriate to define as protests by a few dozen workers most times. The union instructs drivers to block traffic for a few minutes and then allow several trucks through, to ensure as little disruption as possible.

There are 11,000 truck drivers in the LA-LB ports (thus far, the Teamsters have unionized about 500). The majority have no benefits or job security. Many are immigrants, many undocumented. Health-threatening and even fatal accidents are not unusual.

The Teamsters union is waging a campaign of recruitment to capture a vast and growing mass of potentially due-paying members. The union is using misclassification as a means of

gaining workers' trust to then subordinate them to conditions of employment that will not differ substantially from what presently exists.

The profit needs of the corporations will continue to dictate the terms of employment. The state, its courts and its agencies will not defend workers' rights, as demonstrated by state violence, court injunctions and mass arrests used against workers' struggles nationwide.

The Teamsters union strongly supports the "Fight for \$15" campaign. Its Change to Win partner, the Service Employees International Union (SEIU), sponsored the Minimum Wage Act of 2014, to raise wages to \$15 by 2018. The initiative contains waiver language giving businesses a way to opt out—i.e., agree to a lower wage—so long as the workplace is unionized.

During the recent port protest, Teamsters president James P. Hoffa announced a partnership with Warehouse Workers Resource Center, an advocacy group affiliated to the Change to Win Federation (of which Hoffa is the chairperson) active in the Inland Empire, a crucial region for the logistics industry. Consequently, some warehouse workers at the ports joined the pickets.

Conditions for warehouse workers are terrible, unsafe and precarious. In addition to receiving poverty wages, most workers are hired by temp companies. Citations for violations are the rule, and the corporations write off fines and token settlements as operating expenses.

The expanding logistics industry in Southern California has been hailed in recent years as an economic miracle based on the hyper-exploitation of low-wage workers and perilous working conditions. In particular, the LA-LB ports are the entry point to some 40 percent of US imports, while Inland Empire warehouses serve global corporations such as Amazon, Home Depot, Walmart, Sears, Kohl's, Nordstrom and Macy's.

The Bureau of Labor Statistics reports that the warehouse industry is one of the most dangerous in the US, with a workplace injury fatality rate more than three times the average of all workers. As of July 2015, warehouse workers' median annual income, when working at least 20 hours weekly, is \$14,000, according to a University of California, Riverside report.

The *Journal of Commerce* reported a telling statement by Sheheryar Kaoosji, director for LAANE and president of the Warehouse Workers Resource Center: "Given the rapidly-evolving regulatory and legislative environment that makes it easier to join unions, at least in California, if warehouse workers should choose to be organized, the Teamsters 'do really well,' in that endeavor, Kaoosji said."

It is the unions, not workers, who stand to do really well. Harley Shaiken, a professor at University of California,

Berkeley, spelled out how the union benefits from the current developments: "What this does is it looks at all of the logistics chain, or at least a critical part of it as one entity, and that gives a union considerably more leverage."

The record of the last three and a half decades of betrayals by unions shows how this leverage has been used: concession after concession to the employers' demands in the name of competitiveness, productivity and profitability. The ongoing contract struggle in the auto industry should serve as a clear and stark warning to all workers.

The logistics section of the working class has seen a collection of betrayals in the last two years alone. The union's script was the same last April and, most notably, in November and July of last year: to shout spineless slogans about abuse and misclassification, isolate or contain the struggle, and then shut down the strike with nothing resolved.

This time, the Teamsters presented the expansion of the strike to other sections of workers in the logistics industry as a "revolutionary" or "historical" action. In reality, the union is deliberately seeking to extend its influence, amidst rising concerns in the ruling class that an independently organized mass of workers could effectively paralyze the most crucial distributive arteries of the US economy and advance political demands.

Employers are fully aware of the Teamsters' strategy and will use its services. Weston LaBar, executive director of the Harbor Trucking Association, noted that the Teamsters "have an unfunded pension liability that they have to deal with, and they are trying to get as much membership as possible in order to fund that pension."

Ultimately, employers intend to pay workers a pittance no matter how they are classified. Companies like Shippers Transport Express have reclassified workers as employees and, while drivers' living standards remain the same, the Teamsters now collect dues from them.

Most importantly, the Teamsters union is working with the employers to render these strikes absolutely toothless. Peter Dreier, a political science professor and a member of LAANE's board of directors, said: "They're not threatening to shut down the port.... The port does not want to have to deal with companies that are on strike."



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