

UFCW ignores strike vote by West Virginia Kroger workers, pushes through sellout agreement

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Members of the United Food and Commercial Workers (UFCW) Local 400 union who work at some 40 Kroger stores in the area around Charleston, West Virginia, voted last week to ratify a new collective bargaining agreement. The agreement came just two weeks after workers had authorized a strike over health care concessions demanded by the company.

The new contract makes superficial changes to the proposal that workers previously rejected by a margin of 1,551-130, or by almost 92 percent. Notably, members turned out in far lower numbers to approve the contract than they had in rejecting the former proposal. In rejecting the concessions-laden offer, the workers had also authorized a strike by a vote margin of 1,490-199.

Rather than honoring the workers' will to fight the contract offer, the UFCW Bargaining Advisory Committee announced in the second week of November that it had reached a tentative agreement with Kroger and would recommend the measure's passage the following week during a "Tele-Town Hall," followed by the in-store voting throughout the region.

In a sign of workers' anger at the union's sellout tactics, only 701 votes were cast in favor of the new contract, with 208 opposing. This shows the degree to which the union's sellout actions alienated and disgusted workers. While the union trumpeted the agreement as "a significant improvement from the last offer that we resoundingly rejected," the new contract is virtually the same as the contract workers massively voted down. In particular, the sellout agreement will initiate a process that could see workers' health care costs increasing in 2023.

Under the ratified collective bargaining agreement (CBA), an entire section that guaranteed new hires would receive credit for previous retail experience in determining their starting pay was completely removed. New hires with years of grocery store experience will no longer be able to use that prior work for negotiating better starting pay and will instead receive the same starting pay as hires with no prior work experience.

Under the previous contract, starting pay for store clerks was set at \$8.75 per hour, with increases every six months, capping out at \$15.26 after 72 months. The ratified CBA has new hires starting at \$10 per hour as of November 1, with pay increases only taking place on an annual basis (called "levels" of 1-4 in the CBA) and capping out at \$15 for a "Level 4" worker by 2023. So-called "red-circled" employees will cap out at \$15.56 per hour in 2020, rising to \$16.16 per hour by 2023.

This pay structure is exactly the same as what was offered in the previously rejected contract. These meager pay increases leave workers earning poverty wages. Moreover, the small increases in pay will not offset higher health care costs imposed by the deal.

Starting in 2021, Kroger will review its health care contributions and plan costs. In 2023, if Kroger's employer contributions to health care benefits in the previous two years exceeded 10 percent, it will demand union representatives and company trustees hash out how to reduce its cost burden back below 10 percent.

Furthermore, starting January 2024, Kroger's contribution cap will be lowered to 8 percent. The previous tentative contract overwhelmingly rejected by workers had the cap lowering to 8 percent in 2023.

In other words, despite the immense willingness of workers to fight against health care concessions to

Kroger, the union agreed merely to push back by one year the company's demand to slash its health care contributions. Though slightly delayed, the company's overriding demand for employees to pick up a greater share of their health care costs went through in negotiations.

As the *World Socialist Web Site* previously reported, the union felt it had no choice but to hold the strike vote in the face of an explosive situation where the coronavirus pandemic has quickly spread among frontline employees in West Virginia. The union never intended to lead a strike, but rather sought to posture while it scrambled behind the scenes to work out an arrangement with the company on how best to suppress worker opposition to Kroger's attacks on their living standards.

Additionally, the deal confirms Kroger's withdrawal from the UFCW International Union-Industry Pension Fund to transition to the UFCW International Union-Industry Variable Annuity Pension Plan (VAPP). This move will lower the company's pension contributions over the long term.

Under the previous defined-benefit plan, Kroger contributed a paltry percentage of workers' hourly wages on a monthly basis to the UFCW pension plan. Going forward, under the VAPP model, retirees can expect annual increases or decreases in their benefits based on fluctuations in the market, putting them in a precarious position when it is time to draw on these benefits.

The minor differences between the deal rejected by workers earlier this month and the one approved last week demonstrate the rotten character of the UFCW. Rather than leading a fight against the management attack on workers' health care and stagnant wages, the UFCW kept workers on the job in the midst of a pandemic, offering them virtually the same deal as before.

Provocatively, Kroger started taking applications for scabs even though the union made no moves toward a work stoppage. The *Charleston Gazette-Mail* reported that Kroger had begun "accepting applications for replacement workers as a precautionary measure due to a potential dispute with UFCW Local 400."

The UFCW has only led strikes at Kroger stores in West Virginia twice in its history. Workers walked off the job for two months in 2003, which was the first

strike since a three-week walkout in 1974.

As the WSWS has explained, workers cannot rely on the UFCW to fight for better pay, health care and retirement. Instead, workers must take matters into their own hands. Essential workers must form their own independent rank-and-file safety committees, independent of and opposed to the existing pro-corporate bodies calling themselves trade unions. These committees must fight to enforce workplace safety standards in consultation with medical experts and demand living wages and full paid medical coverage during the pandemic and going forward.



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