

Hard lesson: Unions will find retail no easy target

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From the moment the election was set to determine whether a Target Corp. store would be unionized for the first time, the company got very tough, very fast.

The retail giant hired Jackson Lewis, one of the country's fiercest "union avoidance" law firms, to help keep Target's 1,755-store chain union-free.

Using blunt language on the motives and effectiveness of the organizing union, the company seized on the uncertainty about pay and hours -- the very issues that sparked the union effort -- to raise doubts in workers' minds. You may be unhappy with working conditions, Target told employees at its Valley Stream, N.Y., store, but it could be a lot worse if you accept the overtures of the United Food & Commercial Workers International Union (UFCW).

The store itself might not even survive, the company suggested.

Target emphasized such messages in mandatory meetings and fliers distributed to workers in the weeks leading up to Friday's vote. In the end, a strong majority of Valley Stream workers saw the company's view as the safer play, rejecting the

union in a 137-85 vote. The stark defeat validated a hard-nosed approach experts say big-box retailers and non-union grocery stores will continue to use to avoid collective bargaining.

"They've got it down to a piece of art of how they pick apart these campaigns," said Bernie Hesse, special projects director of Local 1189 of the UFCW in Minneapolis. "Retailers have been effective in developing an anti-union culture and a culture of being able to tear apart any sort of organizing."

The Valley Stream initiative was particularly vulnerable to Target's approach because it was built on frustration and open to emotional swings, said Chris Tilly, director of UCLA's Institute for Research on Labor and Employment. "Those kinds of campaigns have a susceptibility to a management strategy that says, 'You may be unhappy with management, but it could be a lot worse with the union.'"

"Unemployment is high," Tilly said, explaining why workers would hesitate to vote for a union. "People are still nervous about losing jobs. Workers have to stick out their necks."

An organizing challenge

The retail industry also brings unique challenges for unions. Low pay and limited work hours keep the workforce changing, making it harder to organize, said Douglas McCabe, a labor relations expert at Georgetown University's McDonough School of Business. And there's nothing in the law that

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disallows a company from waging a campaign against a union, McCabe explained.

"Management can bring in slick communications consultants," he said, noting that companies have far greater access to their workers than unions. "They have the edge."

In New York, UFCW Local 1500 has filed unfair labor practice charges against Target for threatening to fire a union supporter for talking in favor of the union while at work and for threatening to close the store if the union prevailed. On Monday, the union began turning those same charges and others into formal objections in an appeal with the National Labor Relations Board (NLRB) to get a new election.

"This is only Round One," Patrick Purcell, a spokesman for UFCW Local 1500, said after the union's defeat was announced.

The vote in Valley Stream was the first time in 14 years that Target faced a union election. Many experts said the stakes were high, even though the outcome only affected one store. A single victory could inspire a domino effect of union successes in retail, hence Target's aggressive effort to make sure the Valley Stream effort failed.

Target declined to make a representative available to discuss the election or the company's strategy. In a statement, Derek Jenkins, Target's senior vice president for stores in the Northeast region, said, "It has always been our goal to have a culture where our team members don't want or need union

representation. We believe that our team members' actions yesterday spoke louder than any words I can share with you now."

Unions likely to keep trying

Still, Target and other major retailers may not be able to rest easy. With private sector unions representing only 7 percent of the workforce, unions are literally fighting for their lives, experts noted, so they are going to keep trying to organize within the retail industry.

"Target and other big-box retailers are not off the hook," said Patrick McHugh, a management professor at George Washington University. "On the one hand, it was a pretty convincing victory. But a significant number of workers voted for the union. There is lots of frustration by workers with employers."

In fact, the issues of low pay and limited work hours that sparked the Target union election may be getting worse, said John Budd, a University of Minnesota labor expert. "The fact that Target fought so aggressively [in Valley Stream] gives hope to unions to build on this."

UCLA's Tilly believes unions will need to take a more strategic approach if they are to have any hope of success. Organizing retail workers will require calculated, time-consuming, expensive campaigns that enlist the support not only of workers, but of customers, suppliers and, if possible, stockholders.

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"The real question is if unions will experiment with strategic campaigns," Tilly said. "If they hold other elections like this, they're probably going to lose."

Star Tribune staff writer Marissa Evans contributed to this article. Jim Spencer • 202-408-2752



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