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## Teamsters Roll Into L.A. Port on Back Of Clean-Air Plan

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A controversial provision in the Port of Los Angeles' Clean Truck Program that requires carriers to use employee drivers looks like it could pay its first dividend for the Teamsters.

The labor-backed provision, which has been seen by truck companies as little more than a ploy to help the Teamsters organize thousands of drivers, has made it possible for the union to mount its first organizing drive at the port since the clean-air program passed in 2008.

Teamsters Local 848 is attempting to unionize some 75 employee drivers at San Pedro's Toll Global Forwarding, where drivers complain they are being mistreated. The company denies the charge.

"We will fight," said Karael Vallecillo, a Toll Global driver supporting representation by the International Brotherhood of Teamsters. "We have nothing to lose."

For years, the twin-port complex has been served by hundreds of small truck companies that contracted with self-employed drivers who typically owned their rigs. As owners, they legally were unable to unionize.

Under the Clean Truck Program, the Port of Los Angeles essentially ordered truck companies to buy new and expensive clean-burning trucks. The cost was subsidized, but companies were required to hire drivers. As employees, the drivers could unionize.

The employee-driver provision is not in effect while a legal challenge by the trucking industry is figured out. But Toll Global switched to employee drivers from independent operators in early 2009 and has stuck with the system despite the court tie-up. (Most other provisions of the Clean Truck Program are in place.)

The company's decision to stay with the employee drivers was seized upon by Change to Win, a union coalition that includes the Teamsters. Change to Win was a big backer of the employee provision and a financial supporter of Los Angeles Mayor Antonio Villaraigosa, whose appointees on the Los Angeles Harbor Commission approved the clean-air program.

Eric Tate, secretary-treasurer of Local 848, acknowledged he was asked by Change to Win to work with the Toll Global drivers.

And the organizing effort is being touted in press releases by the Coalition for Clean and Safe Ports, a labor and environmental group that has been a key player in pushing clean-truck policies at L.A.'s and other ports.

Michael Shaw, a spokesman for the California Trucking Association, a trade group representing trucking companies, said the organizing effort at Toll Global is a predictable outcome of companies hiring employee drivers.

"With the Clean Truck Program and this most recent situation with Toll, it's clear there's a coordinated campaign at work," Shaw said. "Step one is requiring employee drivers. Step

two, now you have to go to the actual organizing. It's a camel's nose under the tent."

### Getting nasty

Toll Global driver Vallecillo said that the Teamsters did not force the labor dispute, which he said springs from conditions at Toll Global, a Melbourne, Australia, company that also has local operations in Mira Loma.

"(Drivers) are the ones who want the changes," he said.

He said the drivers want better pay and benefits, and also better working conditions. He cited such practices as Toll Global prohibiting drivers from using company bathrooms and break rooms, saying all 75 drivers have to share three portable outhouses.

"You can imagine how dirty they are," he said. "They're very stinky. There's no water, no lunchroom. So we're starting to make some demands of the company."

Tate, the Teamsters secretary-treasurer, said the company is taking advantage of the drivers, who are mostly Latino.

"The makeup of the employees is the reason they've gotten away with it. All are Hispanic; most don't speak English," he said.

Vallecillo said serious union talks among drivers started in 2009 after they learned Toll Global employees in Australia are unionized. "We thought, if they are (unionized) over there, we can be Teamsters over here," he said.

Company spokesman Andrew Ethell said in an e-mail that Toll Global, a unit of Toll Holdings Ltd., denies the drivers' claims of unsanitary conditions.

Ethell said one Toll Global facility, a truck parking lot in Wilmington, does not have buildings or running water but that the company provides "an adequate number of deluxe portable private bathrooms with water" and that they are cleaned daily.

"Toll provides bottled water for drivers at (the parking lot) each year during the peak summer months. Toll also provides, at its San Pedro warehouse, a facility where drivers may shower and change clothes," he said, adding the facility is open 24 hours a day to all employees.

He declined to comment on the organizing campaign, except to say that despite it, Toll Global will continue to employ drivers.

But the organizing fight is already getting nasty. Earlier this month, the Teamsters local filed charges of unfair labor practices against the company with the National Labor Relations Board.

The complaint, which the board has under review and Toll Global denies, alleges the company has punished and threatened employees trying to unionize.

### Next Steps

For now, it's unclear how far the organizing campaign will spread.

The American Trucking Associations sued the Port of Los Angeles over the Clean Truck Program, saying the employee mandate and other measures gave the port too much control. The case is before the 9th Circuit Court of Appeals, which enjoined the employee mandate pending a ruling.

If the mandate is upheld, about 900 trucking firms would have to hire their roughly 10,000 drivers, the vast majority of whom are independent contractors today.

In Long Beach, the Coalition for Clean and Safe Ports continues to push for the employee mandate. The Sierra Club and Natural Resources Defense Council, coalition members, took the port to court after it eliminated the employee mandate from its Clean Truck Program.

A federal judge told Long Beach this summer that it should have done an environmental study before making its changes. The results of that study, due by February, could give the coalition another chance to get the employee mandate.

Meanwhile, the ports coalition and its union members rallied this month outside of the American Association of Port Authorities' convention in Seattle, pushing for union-friendly policies at ports nationwide.

In promoting the rally, the coalition specifically cited the organizing effort at Toll Global, as well as a work stoppage in Newark, N.J., as examples of driver-led actions seeking better working conditions.

"This is a work force that has been trampled on," said T.J. Michels, a coalition spokeswoman. "Companies need to start treating them better or they're going to see more and more of this type of unrest."