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Truck Drivers at America's Largest Ports Expose Third-World Working Conditions; Australian Employer Toll Group Subjects Workers to Separate, Unequal Outhouses

Workers File Charges with Labor Board to End Intimidation, Retaliation for Union Support

LOS ANGELES – U.S. workers responsible for safely hauling 80,000 lb. container rigs full of retail lines bearing the names [Guess? and Under Armour](#) out of the nation's largest port complex have filed charges with the National Labor Relations Board (NLRB), alleging that their Australian-based employer Toll Group, a global logistics carrier for popular fashion and athletic brands, is interfering with their legal right to form a union.

"We are not second-class citizens, we are first-rate truck drivers. We work long hours away from our families in a very dangerous industry," said Karael Vallecillos. The father with 11 years of experience as a professional port truck driver said management interrogated him for hours for a routine traffic citation – ubiquitous in the transportation industry – simply because they knew he and his co-workers began organizing. "Don't the men and women who keep the economy moving deserve a shot at the American Dream? We just want our hard work to be valued."

The charges, which range from intimidation, harassment, and retaliation on behalf of seven employees, came two days after an overwhelming majority of the roughly 75 truck drivers at Toll Group's Southern California facilities attempted to present 59 signatures to top management on a [petition](#) they created to indicate their desire to collectively bargain to end their deplorable working conditions. While wages and benefits are top concerns for the majority of America's workers in such tough economic times, these truck drivers had other pressing issues on their mind:

- Unlike every other department employee and manager at the global logistics powerhouse, the truck drivers, who are Latino-American, are forced to use foul-smelling, unsanitary outdoor port-a-potties that are rarely cleaned, lack running water, and are infested with flies during hot Los Angeles afternoons.
- They are further denied equal access to the company break room for meal and rest periods. The prohibition limits the truck drivers' access to clean drinking water during business hours, and prevents them from using kitchen appliances to safely store, refrigerate, or heat their food.

Their community advocates, a [coalition](#) of clergy, local residents, and labor, environmental and public health activists, liken their working conditions to the Jim Crow laws that governed the post-slavery South until the mid 1960's.

"I never would have imagined, in 2011, that a foreign company would force their U.S. workers to use separate, unequal outhouses. The stench and unsanitary conditions are so appalling, the drivers are better off relieving themselves outside. Female drivers don't even have that option — they must put themselves at risk for infection by holding

it,” said Father William Connor of St. Joseph’s Catholic Church in Long Beach, CA, who accompanied the drivers in their rebuffed attempt to calmly appeal to their employer’s top brass. “I am deeply concerned that management respect the drivers’ right to decent working conditions and a living wage. The Church cares deeply about economic justice, which applies to the Toll situation.”

Father Connor added that he was disappointed that Toll’s Vice President of West Coast Operations, Rich Nazzaro, dismissed the workers’ pleas. The Pastor Emeritus vowed to work with Eric Tate, the secretary-treasurer of Teamsters Local 848 – the truck drivers’ choice for a bargaining representative – to support the workers’ efforts to unite.

The charges against Toll Group are significant for several reasons:

- 1) The company is growing and profitable. Toll Group is aggressive with acquisitions worldwide and just posted a quarterly rising profit of \$281 million, with revenue that jumped 18 percent in the same period, to [\\$8.6 billion](#).
- 2) The employees at Toll Group are one of the few sets of port truck drivers who currently possess the right to collectively bargain in the U.S.; port trucking is a deregulated, highly exploitive industry plagued by a business model that relies on sub-contracting as a deliberate and often illegal means to keep wages low, benefits non-existent, and workplaces union-free. The majority of the 10,000 port truck drivers in Southern California and 110,000 nationwide are wrongly treated as independent contractors, the nation’s experts on employment law concluded in [new research](#).
- 3) Toll Group’s Australian employees are protected by a union contract with family wages and benefits. The seven workers who filed what are known as Unfair Labor Practice charges with the NLRB all wear silicone bracelets with the words “Our Fight is Your Fight” – a solidarity exchange between the American truck drivers and their Australian counterparts, who have urgently [appealed](#) to their joint employer to end the workplace unfairness in the U.S.
- 4) The NLRB, the federal agency responsible for labor law enforcement, just issued [a new regulation](#) that will soon require employers to post notices on company bulletin boards informing workers of their freedom to choose a union, similar to the mandatory signs notifying America’s workers of the minimum wage and occupational health and safety guidelines.
- 5) The company has hired an out-of-state consultant who markets himself as having “40 years of experience of supporting management’s efforts to remain union free.” [The Texas-based “union buster,”](#) as the profession is commonly referred to, holds one-on-one meetings with Toll Group drivers and has staged mandatory meetings under the guise of “safety” – threatening tactics that are frequently used to make workers fear for their job security.

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