

# BCTGM *News*

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What the  
**Employee  
Free Choice  
Act**  
Means for  
Workers



# *the* PRESIDENT'S MESSAGE

## Restoring Checks and Balances

*"It was the genius of the Founders to recognize that freedom exists only when the peoples' cares and concerns are represented in government . . . Robust oversight has to be conducted for a system of checks and balances to work."*

Former Indiana Congressman Lee Hamilton

**MUCH OF THE MAGNIFICENT SUCCESS** of the American democracy can be traced to the Founding Fathers' decision to create a sturdy structure of checks and balances in our government. For nearly 220 years, the principle that all three branches of government are equal has provided protection for the rights and interests of Americans from all walks of life.

The new leadership in Congress has been in place a little more than three months. But within this short period of time, we have seen just how powerful elections are in ensuring the effectiveness of the constitutional system of checks and balances.

In 2006, the American people voted for a change in our nation's political leadership in part because we saw a government controlled by a political party that was becoming increasingly corrupt and focused only on representing the interests of the wealthy and powerful.

Working people saw a Congress that was a "rubber stamp" for a president whose policies sent millions of our jobs overseas, made corporate bosses sickeningly rich, weakened our standard of living, threw our sons and daughters into an unnecessary war and put in place federal judges who consistently protect only corporate interests and whose decisions affect working people's lives every day.

In 2006, the American people also had seen enough of a Congress that aided and abetted the Administration's erosion of our civil liberties and basic freedoms on a daily basis all in the name of "homeland security." Homeland security is important, but can and must be achieved without stripping citizens of their basic freedoms.

Since taking power in January, the new leadership in Congress has taken bold action to reassert the equality and vitality of the legislative branch and once again represent the people and not the privileged. The "rubber stamp" this Congress inherited was thrown in the trash and replaced with tough questions about important national policies.

Today, House and Senate committees are exposing Administration corruption and incompetence that had previously been swept under the rug. They are exposing the dangerous politicization of the Justice Department, the war profiteering of military contractors, the cozy relationships between policymakers and lobbyists for the oil and pharmaceutical companies, the shameful care our wounded veterans receive at facilities that are supposed to serve them and the ongoing failure to help Gulf Coast hurricane victims more than 18 months and billions of taxpayer dollars later.

And perhaps most importantly, congressional committees are investigating the FBI's outrageous and illegal invasion of citizens' personal privacy and taking steps to prevent it from happening again.

Working people are seeing a Congress that is saying no to the Administration's corporate priorities and instead taking action to give working people a fair shake. The best example of this is the House passage of the Employee Free Choice Act (EFCA), historic legislation that will give American workers a fair shot at improving their lives through union representation and collective bargaining. (See pages 8 & 9.)

The previous congressional leadership rejected the will of the people and wouldn't even hold a hearing on this legislation. On March 1, the new House passed EFCA by an overwhelming margin despite the efforts of corporate America and the Bush Administration to defeat it.

With the system of checks and balances restored, we will continue to see government better serve working people. Once again, the wisdom of the Founding Fathers has prevailed and the people have been protected.

**Frank Hurt**

*BCTGM International President*

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# Good Jobs—Safe Jobs: **It's TIME!**

**M**ORE THAN THREE DECADES AGO, Congress passed the Occupational Safety and Health Act, promising every worker the right to a safe job. Unions and our allies have fought hard to make that promise a reality, winning protections that have saved hundreds of thousands of lives and prevented millions of workplace injuries. Nonetheless, the toll of workplace injuries, illnesses and deaths remains enormous. Each year, thousands of workers are killed, and millions more are injured or diseased because of their jobs.

Our fight for safe jobs has gotten harder, as the Bush Administration, acting on behalf of corporate interests, has refused to address pressing problems. Instead, the Administration has moved to roll back and weaken protections. Dozens of important safety rules have been withdrawn. Voluntary compliance has been favored over issuing new protective standards and enforcement.

Progress in protecting workers' safety and health has slowed, and for some groups of workers, jobs are becoming more dangerous. Last year, in the wake of the Sago Mine disaster and others, the number of coal mine deaths doubled. Job fatalities for Hispanic and immigrant workers reached an all-time high.

Many employers, in a race to the bottom in the global economy, have been pushing to cut wages and benefits and loosen protections. With fewer and fewer workers having the protections of unions, more workers are afraid to speak out and raise job safety concerns, fearing retaliation and firing.

On April 28, the BCTGM observes Workers Memorial Day to remember those who have suffered and died on the job and to renew our fight for safe workplaces. We will fight to make workers' issues a priority and to keep and create good jobs in this country. We will fight for the freedom of workers to form unions and, through their unions, to speak out and bargain for safe jobs, dignity and respect. We will demand that the country fulfill the promise of safe jobs for all workers. It's time.

**Mourn for the Dead. Fight for the Living.**  
**OBSERVE WORKERS MEMORIAL DAY APRIL 28, 2007**

# AFL-CIO Pushes Bold **HEALTH CARE REFORM** Plan

**D**eclaring that the nation is in desperate need of universal health care, the AFL-CIO Executive Council called on government leaders to use the highly successful Medicare program as the blueprint to fix the nation's broken health care system.

At its March meeting, the Council stated, "It is time to mobilize America behind a concrete plan to enact universal health care and the AFL-CIO commits its full resources to asserting leadership in this historic effort."

BCTGM International President Frank Hurt is a member of the Council and an AFL-CIO Vice President. In discussing the Council's actions, he said, "Year after year, rising health care costs have become the most difficult issue in contract negotiations. But cost shifting by employers doesn't do anything to solve the cost crisis; it only makes matters worse for working people. It is time for Congress to stand up to the health insurance industry and build a system of universal health care for all Americans."

The AFL-CIO turned to the Medicare model because it works. For more than 40 years, Medicare has delivered substantial advances for the health care of older Americans and people with disabilities. It has guaranteed coverage, made health care more affordable, in-

**"It is time for Congress to stand up to the health insurance industry and build a system of universal health care for all Americans."**



cluded a form of shared financial responsibility, reduced administrative costs compared with those of private plans and has been responsible for funding major medical science advances.

Under the AFL-CIO proposed plan, employers' responsibility for health care financing would be broadly and equitably shared, substantially reducing the unfair cost advantage that non-union employers such as Wal-Mart and Flowers Baking have in the marketplace. Building on the Medicare model to move toward a universal program offers a practical, achievable and affordable solution to our nation's health care crisis.

The AFL-CIO Executive Council also adopted policy resolutions on building support for the Employee Free Choice Act, fair trade reform, opposition to current "fast track" (Trade Promotion) authority, an end to military action in Iraq, presidential endorsements, strengthening state federations and central labor councils, investor protection and corporate accountability.



## **Klosterman Baking**

On February 27, 128 members of BCTGM Local 57 (Columbus, Ohio) went on strike at Klosterman Baking Company. The Local 57 members continue to receive wide community support and have been joined on the picket lines by members of BCTGM Local 19 (Cleveland) and members of various other unions in the area.

# Rewriting America's **Flawed** Trade Policies

In the November 2006 elections, voters made it clear they want a change in the nation's trade policies.

The Bush Administration's flawed trade policy has contributed to a record \$764 billion trade deficit and has driven down global standards by allowing our trading partners to gain an unfair competitive advantage by engaging in widespread workers' rights and environmental abuses.

Following passage of the Central American Free Trade Agreement (CAFTA) in July 2005, the Bush Administration began steamrolling several smaller free trade agreements through Congress, many of which are more detrimental to workers than CAFTA.

The most recent bad trade deal was the Oman Free Trade Agreement, signed January 19, which must be approved by Congress. Global union leaders say Oman's government does not respect internationally recognized workers' rights, such as the freedom to form unions.

The largest of Bush's proposed trade agreements, the Andean Free Trade Agreement (AFTA), like CAFTA, does not include enforceable protections for workers' right to form a union or other core human rights. The Bush Administration could send AFTA to Congress in coming months.

As drafted, AFTA would extend to Colombia, Ecuador and Peru the disastrous job loss and environmental damage caused by 11 years of the North American Free Trade Agreement (NAFTA). U.S. workers lost more than 1 million jobs as a result of growing trade deficits with NAFTA countries, with real wages in Mexico falling by 25 percent since NAFTA was implemented, according to the nonprofit Economic Policy Institute. Bolivia is participating in the negotiations as an observer and may later choose to join AFTA.

Most alarming: AFTA offers a free trade agreement with Colombia, one of the worst violators of human rights and workers' rights in the world, according to the International Confederation of Free Trade Unions' 2005 Annual Survey of Violations of Trade Union Rights. Some 200 unionists were killed in 2004 alone in Colombia, making it the most dangerous country in the world for workers seeking to exercise their freedom to form unions. More than 3,000 union members have been killed in Colombia since 1985 and only five people have been indicted in these cases.

Other key trade agreements that may be completed soon include deals with Panama and Thailand. Congress is expected to

vote shortly on a free trade agreement with Bahrain, and the Bush Administration recently has completed negotiations with Oman.

At the same time, Congress must reassert its role in trade negotiations. Since 1974, Congress has delegated that authority to the executive branch through Fast Track trade promotion authority, which comes up for renewal June 30.

In February, the Bush Administration began its push to renew Fast Track, which allows the president to negotiate trade deals but prevents Congress from improving or rejecting harmful provisions by allowing only "yes" or "no" votes on such agreements. Fast Track would enable the Bush Administration to pass more bad trade deals, such as CAFTA, that are skewed in favor of the interests of Big Business, not workers.

This system has utterly failed and the failure is evident in the record U.S. trade deficit as well as in the weak worker rights and environmental provisions in all trade agreements negotiated by the Bush Administration.

The AFL-CIO Executive Council on March 6 adopted a statement that calls on Congress to institute

new reforms on trade that stop American jobs from being exported and put workers and the companies they work for on a level playing field. The Executive Council recommended the following four key reforms to existing trade policy:

- A serious strategic review of existing trade agreements before we start any new trade negotiations. We need to re-examine actual trade and investment patterns that result from current trade deals by sector and by state, as well as their impacts on employment, living standards, social regulation and communities.
- Congress should have a role in choosing trade partners and in laying out "readiness criteria," which it does not have under our current set of rules.
- Negotiating objectives laid out by Congress must be mandatory, rather than optional. These mandatory negotiating objectives should, at a minimum, address labor, environment, investment, procurement, protecting our trade laws, intellectual property rights, services and immigration.
- Perhaps most important, Congress must certify that an agreement has met all the mandatory objectives before the agreement can be signed.



# Fiesta Mart Workers in the Spotlight



Local 163 members participate in a protest outside Houston's Federal building against proposed immigration fee increases.

**F**iesta Mart Inc. bakery commissary workers, who voted to join BCTGM Local 163 (Houston) on June 30, 2006, continue their fight for a first union contract. The workers—primarily legal immigrants from El Salvador, Guatemala and Mexico—have attended rallies, political fund raisers and meetings with elected officials to bring attention to their plight.

BCTGM International Representative/Organizer Cesar Calderon says the workers tenacity cannot be matched. “We will not give up. These workers deserve respect and the dignity of a union contract,” notes Calderon.

“The system for forming unions today is broken. Companies can coerce, intimidate, harass and even fire employees when they try to form unions. And just like with the Fiesta Mart workers, employers

can drag their feet so workers don’t get a first union contract,” Calderon adds. On February 19, Calderon participated in a labor-sponsored town hall meeting with Texas Congressmen concerning the Employee Free Choice Act. Texas U.S. Representatives Al Green (D-9th), Gene Green (D-29th) and Nick Lampson (D-22nd) met with Calderon and former



During a labor sponsored Congressional meeting in Houston on the Employee Free Choice Act, BCTGM Intl. Rep./Organizer Cesar Calderon discussed the struggle of Fiesta Mart workers to gain a first contract. Pictured here (from left to right) is U.S. Rep. Al Green (D-9th), Calderon, U.S. Rep. Nick Lampson (D-22nd) and U.S. Rep. Gene Green (D-29th).

Fiesta Mart employee Agustin Santiago. Santiago told the Congressmen what it was like to fight to join a union and the tactics and abuses he was subjected to by Fiesta Mart management.

Also in February, 19 Fiesta Mart workers attended an ACORN fundraiser where they connected with Latino community leaders and elected officials. ACORN,

the Association of Community Organizations for Reform Now, is the nation’s largest community organization of low- and moderate-income families, working together for social justice and stronger communities. At the event, State Representatives Rick Noriega and Sefronia Thompson and Houston City Councilman Adrian Garcia listened as the workers detailed their present struggle to negotiate a first contract with Fiesta Mart.

While their struggle for a first contract continues, the Fiesta Mart workers continue to speak out in their communities on other issues of importance. On February 22, protesters gathered outside Houston’s main federal building to condemn proposed immigration fee increases. Among them was Calderon and members of BCTGM Local 163.

A recent proposal by the Department of Homeland Security’s Citizenship and Immigration Services would increase filing fees for more than two dozen forms that are part of the U.S. naturalized citizenship process. Legal immigrants seeking citizenship and many immigration attorneys say the fee hike is an unfair burden on people who are following the rules.

“We should be making it easier for qualified immigrants to become Americans, not harder,” said Calderon, who is a legal immigrant from Peru. “The people paying the fees have played by the rules and have taken all the proper steps needed to become lawful U.S. citizens.”

Calderon says the fee increases put a heavy burden on immigrants who often do not earn much money and who seek citizenship partly as a way of improving their economic situation.



A delegation of 19 workers from Fiesta Mart Commissary Bakery attended a fundraiser for the Association of Community Organizations for Reform Now (ACORN).

# BCTGM & The United Way

## Improving Communities

**U**nited Way's mission is to improve lives by mobilizing the caring power of communities. With more than 1,300 local chapters, BCTGM members throughout the U.S. donate significant resources and dedicate time for United Way campaigns to build strong, healthy communities and create positive changes in people's lives.

The nation's preeminent community-based fundraiser, United Way engages the community to identify the underlying causes of the most significant local issues, develops strategies and pulls together financial and human resources to address them, and measures the results. While local United Way chapters tackle issues based on local needs, common focus areas include helping children and youth succeed, improving access to health care, promoting self-sufficiency, and strengthening families.

In recent months, various BCTGM members and local unions have received important recognition on behalf of their efforts with the United Way.

The United Way of Central Maryland presented BCTGM Local 68 (Baltimore) Financial Secretary Gary Oskoian with the annual Philip H. Van Gelder award. The award is presented annually to a member of the labor community who embodies the spirit of United Way through volunteering and community service.

Oskoian works throughout the year with Local 68 bakeries to collect and distribute donated products to families in need. According to the United Way, "From charity

golf tournaments to organizing holiday help for needy families, Oskoian's hard work to make central Maryland better symbolizes the spirit of giving."

United Way of Central Maryland serves Baltimore City and five surrounding counties. "The Maryland chapter helps all kinds of people with various levels of need—from children and young adults to entire families. Most importantly, we help people in crisis who need help right away," said Oskoian.



**L. 68 (Baltimore) Fin. Secy. Gary Oskoian (center) is presented with the Philip H. Van Gelder award by United Way of Central Maryland Senior Vice President Mark Furst (right) and BCTGM Intl. Rep. Jim Condran (left).**

In Battle Creek, Mich. BCTGM members were honored for their dedication to the United Way of Greater Battle Creek. Retired BCTGM Local 66G member John Schwencer was honored with the prestigious United Way Volunteer of the Year Award. Schwencer, who worked on the Ralston's in-house United Way campaign for more than 25 years, always dreamed of getting the labor community more involved with the United Way. According to the Battle Creek chap-

ter, he has been the driving force behind the extremely successful United Way/Labor Kick Off event at Binder Park Zoo for the last three years. The event is cred-

**Local 3G President Rocky Marsh (right) accepts the United Way Campaign Volunteer of the Year award from United Way officials.**



ited with doubling union participation in the United Way of Greater Battle Creek.

BCTGM Local 3G President Rocky Marsh was named the United Way Campaign Volunteer of the Year. According

to the 2006 campaign co-chairs, who selected Marsh for the award, "We wanted to honor Rocky and his long-standing dedication to the success of the United Way's annual campaign."

Marsh serves on the United Way of Greater Battle Creek Board of Directors and the Campaign Cabinet. He has been instrumental in helping United Way staff build relationships within Battle Creek and grow the annual campaign, according to the chapter's web site.

# CBC Workers LEAD FIGHT FOR Employee Free Ch

**I**magine being fired for standing up for what you believe in. Imagine working for a company that prides itself on fear, intimidation and keeping a promise to fire any worker who fights to form a union.

This is the life of current and former workers at Consolidated Biscuit Company (CBC) in McComb, Ohio. CBC workers, who primarily produce products for Kraft/Nabisco, have been struggling for nearly five years to join the ranks of the unionized—like the thousands of Nabisco workers across the country who are members of the BCTGM.

In March 2002, workers decided that they wanted to join the BCTGM so that CBC management would treat them with dignity and respect. They wanted a better life and knew that they could get it by joining together to form a union. The workers hoped that by joining the BCTGM, CBC might offer a good retirement plan, improve health and safety, and offer affordable health care coverage. Out of 875 workers at the plant, 650 signed cards that said they wanted a union. That was five years ago.

CBC responded to the workers' campaign with threats, intimidation, and harassment. The company threatened workers with loss of benefits, plant closure and stricter discipline if they voted for the union. Fear spread

like wild fire throughout the plant as one by one, workers became afraid to speak up. In 2002, CBC promised that any worker who supported the BCTGM in the National Labor Relations Board (NLRB) election would be fired. On August 15, 2002 the election was lost and the company held true to its promise and fired key union supporters.

CBC workers Russ Teegardin, Patti Wickman, John Green, Thomas Thompson, Tyrone Holly, Gary Hill, and Bill Lawhorn were fired. Since then, the NLRB has ruled that the company illegally fired the workers because of their union activity. However, the workers have not been reinstated, and the case remains stalled in the 6th Circuit Court of Appeals.

To date, the BCTGM has not been recognized by CBC. The NLRB ordered a second election, but that has not yet occurred. In fact, very little of what the Board has ordered since 2002 has happened at all.

Meanwhile, the treatment and conditions for workers within the plant continue to get worse. In an article published in *The Toledo Blade* on October 24, 2004, CBC is cited as being "on the nation's list of the most hazardous workplaces."

## Struggle Continues

Instead of intimidating the workers, the firings infuriated them. Russ Teegardin and Bill Lawhorn continue to fight for justice on behalf of all CBC workers.

From media interviews and town hall meetings with law makers, to the halls of Congress, the fired workers continue to speak out about the injustice.

Gracie Heldman details the illegal treatment of CBC workers in front of the Employees' Rights Board at the Farm Labor Organizing Committee headquarters in 2006.



In February, Teegardin and Lawhorn joined BCTGM International Representative John Price at a special meeting with U.S. Senator Sherrod Brown (D-Ohio) to discuss the plight of the CBC workers and the importance of the Employee Free Choice Act (EFCA). According to Price, Senator Brown spent nearly an hour talking with the group, learning about the anti-union tactics of the Ohio-based company and made a commitment to help them in their fight for justice.

Meanwhile, in full-page ads, millions of readers of *The New York Times*, *The Washington Post* and a trio of influential Capitol Hill publications learned what happened to Lawhorn and CBC workers when they tried to form a union.

Also in February, Lawhorn joined law makers on Capitol Hill in a special press conference announcing the introduction of the Employee Free Choice Act. He detailed the workers fight to join the union, as well as his personal experience following his firing.

If the Employee Free Choice Act had been in effect, it would have al-



From the left is AFL-CIO Pres. John Sweeney, fired CBC worker Bill Lawhorn, U.S. Rep. George Miller (D-Calif.) and BCTGM Intl. Rep. John Price.

# oice Act



lowed Teegardin, Lawhorn and the many other CBC workers to choose freely whether they wanted to join the union. But under current law, CBC had the opportunity to pressure and harass workers about their decision to form a union and fire those who supported the

BCTGM following the election—with-out fear of being punished.

“The Employee Free Choice Act would level the playing field and give workers a strong voice,” says Price, who has been involved in the CBC fight since workers reached out to him in 2002. “It’s about making the workplace a better place for everyone,” Price adds.

## Inside Fight

Inside the plant in McComb, the fight to join a union is far from over. Support for the union remains high and workers like Cathy Hill, the wife of fired worker Gary Hill, continues to be a driving force for the BCTGM. Cathy, who has been unlawfully disciplined numerous times for her union activities, is a tireless supporter of the BCTGM. Like the head of a family, Cathy often rallies co-workers to come to the aid of a sick or injured worker. But she isn’t alone in her support for the union—there are many others like Karen Smith and Keith Schetzer who volunteer endless hours of their time to work with the union.

## House Passes Employee Free Choice Act

After more than five hours of historic debate, the House of Representatives passed the most important labor law reform legislation in 70 years.

On March 1, by a margin of 241-185, the House passed the Employee Free Choice Act, H.R. 800, which would level the playing field when workers seek to form a union and bargain.

The Employee Free Choice Act, supported by a bipartisan coalition in Congress, would restore workers’ freedom to choose a union by:

- Establishing stronger penalties for violation of employee rights when workers seek to form a union and during first-contract negotiations.
- Providing mediation and arbitration for first-contract disputes.
- Allowing employees to form unions by signing cards authorizing union representation.

Introduced by U.S. Rep. George Miller (D-Calif.), the Employee Free Choice Act has 234 co-sponsors.

As **The BCTGM NEWS** went to press in late March, the bill was expected to be introduced into the Senate.

Despite the current level of union support, things inside the plant continue to deteriorate according to Gracie Heldman and her husband Terry Heldman, who have both worked for CBC for 20 years.

Gracie is bilingual and has been a vital force in the CBC campaign. She communicates with the more than 200 Spanish speaking workers and has been crucial in testimony before the NLRB on the company’s illegal tactics.

“We have no rights—and this hasn’t changed,” says Gracie. “When we started to organize—signing cards and holding union meetings—we were blatantly threatened, pulled into one-on-one anti-union meetings. They’d tell us they had a ‘hit list’ and would increase our workloads to make it harder. They brought in Spanish speaking union busters to strike fear into the immigrant workers. There was no end to what they’d do to keep the union out,” she recalls.

“But it is much worse now than before the union election,” Gracie adds. When asked how she and the other union supporters persevere she says, “You must stand up and fight to the end. You hold your head high and walk proudly through that plant. Because if they know you are afraid, they will eat you alive. They target the weak,” she notes.

“Union support is still very strong. For a while, after the firings, the workers were disappointed and afraid. But I’ve helped explain the legal battles and encourage everyone to keep hanging in there,” Gracie says.

Gracie notes that both she and her husband Terry have been outspoken supporters of the union but remain cautious and “smart”. They know when to do what and “are not being stupid about how to handle situations with management.” Both Terry and Gracie are liked by their co-workers because they treat everyone with respect.

“I would like to tell everyone—without a union we are never going to get dignity, respect or any rights. We could lose everything we have, which isn’t a lot. This isn’t about money. This is about respect. We deserve to be treated with respect and have our own voice and representation,” Gracie notes.

Terry adds, “We’re tired of being bullied. This company thinks it is above the law. We make Nabisco/Kraft products which are loved throughout America. You’d think the workers who make the products behind the name would be treated fairly. It is frustrating. But our day is coming. We’ll get what we deserve. We just have to keep persevering,” he concludes.

# BUILDING BCTGM LEADERS THROUGH EDUCATION

**W**ith a strong desire to improve organizing skills and knowledge, BCTGM members from two local unions in the Salt Lake City area planned a leadership development seminar designed to further their skills as organizers.

Nearly 20 members of BCTGM Local 401 (Salt Lake City) and 19G (Ogden, Utah) attended the January 15-16 event, which was led by International Representatives Eric Anderson and Blaine Williams. In addition to Local 401 and 19G shop stewards, union members from the Ogden IBC plant, the Salt Lake IBC plant, the Salt Lake Sara Lee facility and mill workers from Ogden attended the training.

According to Local 401 Financial Secretary Steven Wolfe, the seminar was a huge success. "All of those who attended confirm that they came away with a much better understanding of the job they can perform as shop stewards and leaders in their shops," reflects Wolfe.

Wolfe notes that the interactive workshops on organizing were particularly rewarding because Local 401 has been increasing their organizing efforts. "This is why we looked to the International for training our membership as a whole," he says.

The event also provided the locals a chance to interact with one another and discuss issues experienced in their different plants.

"Locals 401 and 19G wish to thank the International for its involvement and support which made this event positive and memorable. The training will have an everlasting effect on our membership as a whole," Wolfe concludes.



**O**n February 13, Ronald Meisburg, General Counsel of the National Labor Relations Board (NLRB) announced a settlement between the Board and Korn's Bakery, one of the largest wholesale kosher bakeries in Metropolitan New York, that requires the company to pay up to \$3.5 million dollars in backpay and pension contributions to workers.

The settlement ends a 14-year battle between the company and more than 100 members and retirees of BCTGM Local 3 (New York). According to Local 3 President Narciso Martas, the decision ended a very stressful period for these workers. "We knew that in the end, we would prevail, but it was a long and bitter fight," recalls Martas.

The struggle began in the early-1990s when relations with the management had gone sour and the company took several different routes to avoid dealing with Local 3. First, it created an "alter-ego" corporation in order to avoid bargaining a new contract with the Union. All Korn's workers became employees of this new bogus company. This effectively took their membership away from the BCTGM. Secondly, the company coerced the workers to join a phony union and accept a concessionary contract. According to testimony during the Board's investigations, the company refused to allow Local 3 representatives into the bakery to investigate the matter and even threatened them with bodily harm.

In April, 1998, an administrative law judge found the company had made unilateral changes to Local 3's collective agreement; had entered into a union contract with another union even though the workers were represented by Local 3; had failed to provide the union with information; had refused to permit Local 3 officials from enter-

## Local 3 Wins Fourteen Year Fight and \$3.5 Million Backpay Award

ing the premises; had refused to bargain a new contract; and had discharged one employee for his involvement in the union. The NLRB upheld this ruling in September, 1998 and ordered the company to recognize Local 3, to bargain in good faith with the Union, reinstate the fired employee, and make all employees and the union whole.

However, the fight did not end there. The company refused to comply with the NLRB's Order and Decision, and the Local was forced to take the company to court to enforce the order. In February, 1999 the United States Court of

Appeals for the Second District upheld the NLRB's decision and enforced the Board's Order. Nevertheless, the Company continued to defy the Second Circuit's decision. Local representatives continued to pursue every legal means available to enforce the Board's order. Finally, nearly seven years after the NLRB's decision, the Company relented and agreed to a settlement with the Local.

As part of the settlement reached with the Board, Korn's Bakery will pay \$3.5 million to current and former workers who were denied pension contributions and negotiated pay increases. Additionally, the company is required to make whole the fired employee and recognize Local 3 as the collective bargaining representative of its employees. Subsequently, the Local and the company recently reached agreement on a new contract.

"The fact that the employer could act in this abhorrent manner and drag this process on for over a decade is shocking. It is a testament to the dedication of our union and the courage of these workers, that this settlement was reached," said International President Frank Hurt.

**During the 74th Session of the BCTGM General Executive Board (GEB) in Las Vegas March 8-12, Local 57 (Columbus, Ohio) Financial Secretary Vester Newsome was elected as the GEB member from Region 2. Newsome replaces former Local 464 Financial Secretary-Treasurer Bill Sprandel, who retired in January after 43 years in the union.**

**Pictured here, BCTGM International President Frank Hurt (left) administers the Oath of Office to Newsome (right) during the annual spring meeting.**



### GEB Elects Newsome

# The Sweet Canadian Dare

**Dare Foods, with a 115 year history, is one of Canada's oldest privately-owned, Canadian family business.**

BCTGM Local 264 (Toronto) members work at the Dare candy manufacturing facility in Toronto. Union members produce Dare Juicee Fruit Slices, Dare Juicee Gum-mie Bears, Dare Crystal Fruits, Dare Juicee Jelly Beans, Dare Juicee Jubes, Dare Juicee Jumbo Gums, and more. Most of Dare's candies are made with real fruit juice and come in a wide assortment of flavors.

Pictured on this page are Local 264 members proudly at work making and packaging Dare-brand candies at the company's Toronto plant.



## Fighting Poverty One Province at a Time

**P**oliticians and the media like to paint a rosy picture of the Canadian economy and the positive impact that it is having on Canadian citizens. While the country may be experiencing economic growth, not everyone is benefiting. According to the non-partisan Canadian Center for Policy Alternatives (CCPA), the richest 10 percent of Canada's families earned 82 times what the poorest 10 percent made. What has been the result of this growing income inequality?

- Close to 1.2 million children—almost one child out of every six in Canada—still live in poverty.
- Thirty percent of full-time workers earning less than \$10 an hour live in a low-income household.
- Low-income families need, on average, an extra \$7,200 a year just to reach the poverty line. This remains unchanged since 1995.

Political action to alleviate these problems has been absent, even though Canadians want to see changes. In an Environics Research poll, 86 percent of Canadians said that the government should take action on the income gap between rich and poor, and 85 percent said that if government took concrete action, poverty in Canada could be reduced. And yet the federal government has been more interested in tax cuts than in solving the poverty issue.

The CCPA recently issued their *Alternative Federal Budget* and focused on the issue of poverty. Specifically, the report offers several things the federal government could do to combat rising poverty levels, including:

- Create an accessible national childcare program.
- Lower university tuition.

- Increase the Canada Child tax benefit.
- Increase the minimum wage.
- Redesign the Employment Tax Credit.
- Expand Employment Insurance.

Unfortunately, the federal government continues to move in the opposite direction.

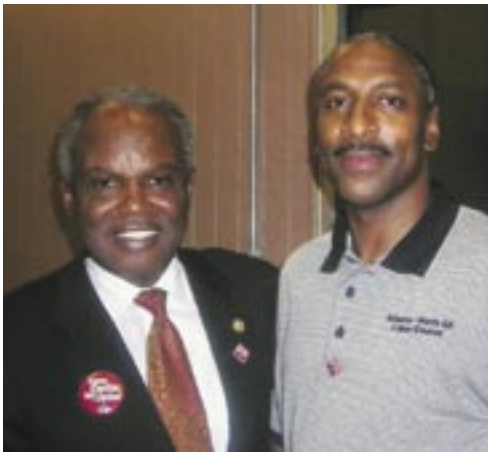
According to BCTGM International Vice President Sean Kelly, the labor movement has seen some success at the provincial level. "The provinces are more serious about childcare, raising the minimum wage and dealing with soaring tuition costs. However, that is a direct result of the pressure we have put on them," said Kelly.

Indeed, many provinces have taken steps to combat rising poverty. In Saskatchewan, NDP Premier Lorne Calvert recently unveiled an impressive anti-poverty plan, focusing on the most dire parts of Regina. In Ontario, Liberal Premier Dalton McGuinty has attempted to stem the tide of critics of his government by announcing a series of measures aimed at childcare, affordable housing and raising the minimum wage. And in Quebec, the provincial government has done an admirable job creating accessible, affordable childcare.

However, according to BCTGM International President Frank Hurt, we cannot only rely upon government programs to get working families out of poverty. Hurt says that one fool-proof strategy is to organize non-union workers. "Unions lift workers into the middle-class because of better pay, better benefits and better retirement security. The BCTGM has been helping to eliminate poverty for more than one hundred years through organizing," said Hurt. "But much more needs to be done." 🍁



# LOCAL *Views*



## Support EFCA

During a recent Atlanta Labor Council event, BCTGM Local 42 Business Agent Isaac M. Gobern, (right) secures a promise of support from U.S. Rep. David Scott (D-Ga.) for the Employee Free Choice Act, the most important labor law legislation in 70 years now being considered by Congress.

## Union Goodies

At the New Mexico state fair, Local 351 (Albuquerque, N.M.) members set up a booth to promote BCTGM-made goods. Local union officers manned the booth, passing out information on the union as well as Rainbo bread and rolls. Pictured here is Local 351 Vice President Sylvia Molinar.



## Outstanding Service

The members of Local 36G (Buffalo) recently honored William Grande for his 20 years of "outstanding service" as legal counsel to the local. According to Local 36G President André Pigeon, Grande has represented the membership well and is highly respected by the union. The local recently honored Grande with a limited edition union jacket during its general membership meeting. Pictured here is (left to right) Grande, Local 36G Pres. André Pigeon, and Local 36G Business Agent Thomas Bingler.



## Local Union Pride

Local 372A (Indianapolis) Financial Secretary Jim Wernsing (left) and President Dave Schneider (right) present Intl. Vice President Jeanne Graham (center) with a Local 372A jacket embroidered with her name following a recent shop steward training session led by Graham at the local.

BCTGM

**POWER**



# PET SERVICE PROGRAM



Your heart tells you to spare no expense for your pet's health care and future well-being. But medical costs are rising for pets just as they are for their owners. The average bill for a routine veterinary visit can cost \$100 to \$150 per visit. *Treatment for your pet's major illness or injury can easily run into the thousands of dollars.\**

► **BCTGM Power Pet Health Insurance**

Protect against the unexpected cost of your pets' illnesses or injuries. *Save 10%* on regular premium rates with your BCTGM Power discount or get *your first month free* when you enroll your pet into Quickcare First. For details and to enroll, call 1-866-473-7387.

► **BCTGM Power Pet Savings Program**

Provided by Pet Assure, this benefit is not an insurance program. It is a pet health care savings program designed to provide savings for all veterinary services, including routine pet health care and coverage for all animals. Join the BCTGM Power Pet Savings Program with PetAssure and *save 25% every time you visit a veterinarian in PetAssure's network* of participating veterinarians. There are no forms, no pet exclusions, no deductibles. And you'll *save up to 30% on other pet services* such as pet boarding, pet supplies, pet sitting, pet training and more. *Membership for your pets is as low as \$5.99 per month* with your BCTGM Power savings.

## **PETCO.com Bargains.**

Union members receive 30 percent off their first purchase over \$30 at PETCO.com.

\*American Animal Hospital Association

Learn more about the BCTGM Power Pet Health Care Savings Program by calling **1-888-789-PETS (1-888-789-7387)** and use program code **UP2003**.

**“ Organized labor as a whole HAS BECOME STRONGER** in membership, stronger in influence, and stronger in its capacity to serve the interest of the laboring man and woman and of society in general, than at any other time in our whole history.”

—Franklin Roosevelt

**“ EVERY ADVANCE IN THIS HALF-CENTURY—SOCIAL SECURITY, CIVIL RIGHTS, MEDICARE, AID TO EDUCATION, ONE AFTER ANOTHER—CAME WITH THE SUPPORT AND LEADERSHIP OF AMERICAN LABOR.”**—Jimmy Carter



**“ IF ANY MAN TELLS YOU he loves America, yet hates labor, he is a liar. If any man tells you he trusts America, yet fears labor, he is a fool.”**

—Abraham Lincoln

**“ ONLY A FOOL would try to deprive working men and working women of their right to join the union of their choice.”**

—Dwight D. Eisenhower

**“ The American Labor Movement HAS CONSISTENTLY DEMONSTRATED ITS DEVOTION TO THE PUBLIC INTEREST.** It is, and has been, good for all America. Those who would destroy or further limit the rights of organized labor—those who cripple collective bargaining or prevent organization of the unorganized—do a disservice to the cause of democracy.”—John F. Kennedy

**“The labor movement was THE PRINCIPAL FORCE that transformed misery and despair into hope and progress. Out of its bold struggles, economic and social reform gave birth to unemployment insurance, old-age pensions, government relief for the destitute and, above all, new wage levels that meant not mere survival but a tolerable life.”**—Martin Luther King Jr.