

Trader Joe's Union Busting Campaign–

A Guide for the Crew, by the Crew

Hi there! At both the Hadley and Minneapolis stores, we experienced intense union busting from corporate and its legal team. In this document, we will share with you what happened at our stores, and debunk the misinformation shared by management at the direction of corporate, because so far, we are hearing the same false talking points at every store that's filed for an election.

This document was created to help you mentally and emotionally prepare for the company's union busting campaign. These campaigns are designed to create divisiveness among the crew and between crew and management, to cause stress, fear, and doubt, and ultimately to lead us to vote against our own interests.

Remember—a union is really simple. It's a way for us to come together as a unified voice and have a real say in our workplace. Companies are scared of their workers having that kind of power, and in turn will try to scare us away from claiming it.

In Solidarity,
TJU Crew in Hadley and Minneapolis

An Overview of the Union-Busting Campaign:

Trader Joe's hired a third party, Littler Mendelson, an infamous “union avoidance” firm, to direct their union-busting campaign. After union wins in both Hadley and Minneapolis, Trader Joe's moved on to working with a similar firm, Morgan Lewis, but so far the tactics and talking points we're hearing about are the same.

Frequent Visits from Higher Ups

We were visited by company execs at a frequency FAR beyond what is normal for any store. Jon Basalone visited Hadley early on, and both Hadley and Minneapolis received frequent visits from regionals and other higher ups, sometimes nearly every day. These higher ups spent hours in the store “hanging out” and having 1:1 conversations with crew members. These conversations would typically begin as a “friendly conversation” but often lead to union talk.

(Note: This document was leaked to corporate during the Louisville campaign, and Jon Basalone was not a fan of being mentioned here. He responded by sending a letter and

handwritten note to every crew member at the Louisville store. Spoiler alert: the crew still voted union yes. You can read his letter at the end of this document.)

1:1 Conversations with Management

The captain, mates, and higher ups sat crew members down for 1:1 conversations regularly. The content of these conversations appears to depend on how management views each crew member's level of union support. As far as we could tell, if Trader Joe's felt there was any hope of convincing a crew member to vote no for our union, management would share misinformation to discourage union support, or even explicitly tell crew to vote no. Open union supporters would just receive a vague check in, or no conversations at all.

In these convos, management cycled through new sets of talking points regularly. A detailed debunking of these talking points is in the next section of this document.

Anti-Union Crew-to-Crew Convos

At the Hadley store, anti-union crew members had free reign to have 1:1 and small group conversations with crew members for hours each day, on the clock, at the store. They spread lies and misinformation both personal about OC members (notably that we were being paid for our union organizing) and about unions in general.

This is a common union-busting tactic known as the "vote-no worker committee," and companies have been using this tactic for decades. It's powerful because it gives the appearance that the push against the union is being led by workers, not management, when in truth management is feeding misinformation to these crew members, and then providing them the time and space to share these lies at work.

Just to be clear—crew members are absolutely within their rights to not want to join a union, share their opinions, or vote no. That's not the issue. The issue here is threefold: crew members are being fed blatant information from corporate via management, and then management is facilitating the crew-led dispersal of that misinformation. While the same time union supporters do not have the same freedom to discuss the union on the clock.

Discipline for Wearing Union Buttons

Soon after beginning to wear union buttons in Hadley, we were disciplined for wearing them. At first, we were asked to remove them or go home. Later, we were told that there would be "undetermined consequences" for wearing them. We complied by not wearing them while the NLRB investigates the unfair labor practice charges we filed for the button issues, and we recommend that crew in other stores do the same in order to avoid disciplinary consequences.

Interestingly, the company allowed crew in Minneapolis to wear buttons, possibly due to the bad press the company received about the buttons in Hadley. The crew in MN were prepared with cards that read "I will take this button off because you asked me to, but I need to let you know that wearing it is my right under federal law. I will be filing an Unfair Labor Practice with the

National Board of Labor Relations,” and this is a great script to use if you are asked to remove a button, or told that there might be consequences for keeping it on.

Discipline for Visible Supporters

Once a store files for an election with the NLRB, crew members have a good deal of protection against retaliation. Regardless, retaliation is a possibility, and we have seen things like frivolous write ups and scheduling issues at our stores. The best ways to protect yourself are to sign a card, be a visible supporter, and pay attention to the details of the job like timeliness, register accuracy, wearing your nametag, etc. Yes, it may seem counter-intuitive, but showing your union support after your store has filed for an election protects you, because the company knows that your visible support builds a stronger case for retaliation should you file charges with the NLRB.

Offering to Pay Crew Members to Vote

In the last weeks before the vote in Hadley, management offered to pay crew members for their “time” if they had to come in to vote during their days off. While either side can offer to cover voters’ travel expenses, other payments are not acceptable. Unfortunately, we were not able to file a ULP charge with the NLRB for this because we were not able to verify that anyone was actually paid.

What we did witness: managers approaching people we believe they had mapped as neutral or non-supporters and letting them know they could be paid two hours wages for voting on their days off. We believe this contributed to the incredibly high voter turnout we had in our election in Hadley.

Captive Audience Meetings

Less than a week before the Hadley vote, two regionals and our captain held mandatory “captive audience meetings” on the loading dock with small groups of 8-10 crew members. During these meetings, both our captain and a regional VP talked about how a union would be personally challenging for our captain and his career, and implored crew members to “vote no” for the union. Fortunately, [we were able to get press coverage on these meetings quickly](#) and while the meetings continued for another day, crew were no longer explicitly asked to vote no.

Debunking the Union Busting Talking Points

We heard SO many wild talking points during our campaigns! While we are accustomed to being able to believe what our management tells us about the terms of our employment, working conditions, benefits, etc...a union-busting campaign changes everything. You will be hearing endless misinformation from management.

Anti-union talking points typically fall into three categories: appeals to emotion, lies, and third partying the union (making the union out to be an outside entity, when it’s really the crew).

Trader Joe's used these classic tactics, too, tailored specifically to our workplace. Below are the union-busting talking points we heard at our stores, followed by the facts.

“No transfers in or out if we unionize.”

Truth: We heard this talking point during our campaigns and guess what? We are unionized and transfers are still happening both in and out of our stores! Once a store is unionized, the company can no longer make unilateral changes to the terms of employment, such as suddenly adding a new transfer policy. However, in a non-unionized store, they can make any changes they want, at any time. But when it comes to transfers, there's no reason why the company would want to end them. Staffing flexibility is a win-win for crew and the company. This talking point is nothing more than a scare tactic.

“Crew will not receive raises or 401k contributions between the vote and first contract due to ‘status quo law’.”

Truth: This is entirely false, and our stores filed unfair labor practice charges with the NLRB for this threat to take away compensation in response to unionization. Again, the company cannot make unilateral changes to the terms of employment once a store unionizes—this includes scheduled performance reviews and 401k contributions. Additionally, “status quo law” doesn't apply here, it's only relevant when a contract expires, not during the period before a first contract. Management used this term to add extra confusion to this talking point.

“Crew members will no longer be eligible for retirement if we unionize.”

Truth: This rumor is based on some language in our American Funds Retirement Plan Description (*italics mine*), found on page 1 of the American Funds Plan Description PDF.

“Excluded Employees. If you are a member of a class of employees identified below, you are an Excluded Employee and you are not entitled to participate in the Plan. The Excluded Employees are:

- *union employees whose employment is governed by a collective bargaining agreement under which retirement benefits were the subject of good faith bargaining, unless the collective bargaining agreement provides otherwise.*
- leased employees
- reclassified employees (a person the Employer does not treat as a common law employee on its payroll records, such as someone paid as an independent contractor or an out-sourced worker)”

We consulted our legal team on this, and determined that all this language means, in practice, is that whatever retirement benefits we receive under our union contract will take precedence over any company-provided plan. We won't be eligible for two plans—just for the plan in our union contract, whether that's our current plan or something new that we negotiate.

The same goes for all of our benefits and compensation—our union contract will always take precedence. A common union busting tactic is to use that fact to claim we “will not be eligible” for any of our old benefits or “the company will lose control of benefits” when in reality, the benefits in the contract we negotiate will simply replace them.

One more thing—there’s no truth to the rumors that we will lose our 401k balances if we form a union! That’s your money, and the company cannot take it away if we unionize—vested or not.

“It can take an average of 400 days to reach a first contract.”

Truth: It could absolutely take this long to get a first contract, but this talking point was used in conjunction with others to create fear. For example, it was often used with the “no raises or 401k until the first contract” talking point, to lead crew to believe that they wouldn’t get a raise for well over a year.

“Crew are being paid by a big union to organize the store.”

Truth: This talking point was used in Hadley as a way to “other” crew organizers and lead crew to believe that organizing was just a big money grab for members of the organizing committee. No crew members have been paid to organize. In fact, crew members who are organizing are giving a great deal of their personal and family time for free, and some have even had to cut back hours at other jobs in order to devote time to organizing.

“A union means crew will have to have rigid duties and schedules, like 8 hours on register every day.”

Truth: Rigid duties and schedules are not a union-specific thing, and our day-to-day running of the store doesn’t need to change. At other companies with union contracts that define specific duties and schedules, it’s important to note that these things were likely negotiated for a reason by union members—for example, specific duties prevent employees from being overworked, and specified shifts give predictability to workers’ lives.

“Mates will lose their jobs or become glorified babysitters unable to work product” and “All mates will be transferred out if we win.”

Truth: Nothing has changed with our mate team in either store since our union victories. These statements appear to be threats made to mates, possibly to encourage their role in union busting, and to elicit sympathy from crew.

“The store will close.”

Truth: This is a threat issued during about 50% of union campaigns, but occurs less than 1% of the time. If TJ’s were to try to close a store after the crew file for a union election, the NLRB

would intervene. It would also be terrible PR. It's an empty threat. However, as we saw with the wine store, the company **is** willing to close a store before they file for an election, when it's more difficult to prove that the closure was directly related to unionization efforts.

“You will HAVE to strike, or be fined/You will lose your job if you strike.”

Truth: *First of all, strikes are not undertaken lightly* and the situation needs to be serious for workers to go this route. While a last resort, the option to strike is still a power that the crew have together, an incredible power, but the company and their lawyers will try to frame this power as a weakness. *Second, workers vote to strike.* It's a democratic decision. The whole process leading up to a strike is outlined in each union contract.

No one can be forced to strike. Workers can cross the picket line if they want to. While it is true that some unions fine members for not participating in a strike, any fines would be written into the contract—they are not a given. Keep in mind that part of the power of a strike is strength in numbers—so it makes sense that some workers might choose to put this in a contract, or strongly encourage all members to participate.

Lawful strikers do not lose their jobs for going on strike. There are two kinds of lawful strikers, “economic strikers” and “unfair labor practice strikers.” Both get to keep their jobs, but “economic strikers” may have to wait to go back to work if they have been replaced. “Unfair labor practice strikers” go back to work right away, even if replacements must be discharged. GUESS WHAT? If the company does not negotiate in good faith, and we were to strike, then we would be classified as “unfair labor practice strikers” and go back to work immediately. So this claim that we would lose our jobs if we were to strike during negotiations is false.

Read the NLRB info about strikes here: <https://www.nlr.gov/strikes> Also, keep in mind that since we vote on striking, and no one is forced to strike, no one will ever be in a position where they are forced to be an “economic striker” or “unlawful striker.”

“If you signed a union card, you'll have to strike and you will be replaced.”

Truth: Again, no one can be forced to strike. This argument is designed to pressure supporters into voting no for fear of being out of work. And of course...we all know that union cards are anonymous so how would Trader Joe's keep track of who 'has' to strike and who doesn't in this hypothetical scenario? That's right, they can't!

“Just vote no if you're unsure, because a union could be worse” and “Everything is on the table during negotiations, a union contract could be far worse.”

Truth: Contracts must be ratified (put to a vote) before they go into effect; the crew will not vote for a contract that's worse than our current terms of employment! This is just a scare tactic.

“Dues are expensive.”

Truth: The exact dues amounts are determined during negotiations, but dues are likely to be around 1-2% of pay. Keep in mind that dues don't go into effect until there is a contract, and that any contract must be ratified by the crew (approved by a vote).

“The union is asking for unrealistic things, like a \$45 cap.”

Truth: Specific contract proposals are determined democratically with all crew giving input. As of this writing, TJU is in the information gathering stages of negotiations, collecting necessary information from both the company (through a RFI, or request for information) and the crew (through our bargaining survey).

“You won't have any say in the bargaining process.”

Truth: Negotiations and proposals are led by crew, with ample legal support to guide us through the process. We have a say through our individual bargaining surveys, through developing contract proposals, and through our bargaining representatives— the crew who will sit down at the negotiating table on behalf of their stores.

“Union leadership in the store will get paid and is already chosen for you.”

Truth: Nope. Your local union leadership roles are unpaid, and determined democratically by local membership. Crew elect crew to local president, secretary, and treasurer positions for each unionized store.

“Union reps will come to your house and harass you.”

Truth: Your fellow crew are the organizers of this campaign, and they will only stop by if you invite them. :)

“That didn't really happen—they're lying.”

Truth: Management told crew that other crew members were lying about their negative experiences at the company (in one upsetting example, they accused a crew member of lying about losing their health insurance during cancer treatment, but many of us were around when this happened!).

“You won't be able to be on the art team” or “Art team may have to be reduced to only 1 or 2 people.”

Truth: As it stands now, the sign artist role does not have a separate job description and is not defined or protected in any way. A union contract has the potential to change that and provide more support to the art teams.

Since the last captain's meeting, many non-unionized stores have seen radical changes to the artist role or space in the store. Interestingly, we haven't seen any changes in Hadley or Minneapolis, we believe because the company does not want to risk unfair labor practice charges for making unilateral changes to our working conditions.

“In a union contract, the section leaders won't be protected.”

Truth: Much like the artist role, section leadership is not officially defined or protected as a separate role in the store. A union contract has the potential to change that, or possibly provide additional compensation for the valuable work done by crew in this position.

“The store will become an island, we wouldn't be able to have crew from other stores fill our shifts for things like crew parties because that would be crossing union lines.”

Truth: See notes about transfers, above.

“I really appreciate being able to switch the schedule and help you, and everyone, out like this. That's one of the big fears about the *union election*, is that we won't be able to give this kind of help anymore... *just some food for thought.*” –from a scheduling mate.

Truth: Nothing about scheduling has changed in either Hadley or Minneapolis after our votes (remember, no unilateral changes!). Nothing has to change in a future contract, either—scheduling flexibility is a win-win for crew and management alike.

UNION BUSTING BINGO

"THE UNION IS A 3RD PARTY"



"CARDS ARE LEGALLY BINDING"



"RESTRICTED JOB TITLES AND DUTIES"



"YOU HAVE TO RESCIND CARDS AS A SUPERVISOR"



"YOU WILL HAVE TO STRIKE"



"LESS CHANCE OF PROMOTION"



"DUES ARE EXPENSIVE"



"NO MERIT RAISES"



"THE UNION IS INHERENTLY ADVERSARIAL"



"PEOPLE ARE UNSIGNING"



"THE UNION DOESN'T REPRESENT YOU"



"THIS COULD TAKE YEARS"



**DON'T
FALL FOR
THESE
TACTICS**

"THIS WILL AFFECT YOUR 401K"



"GIVE US A CHANCE TO FIX THINGS"



"THE COMPANY IS ALREADY LISTENING"



"WE ALREADY HAVE AFFINITY GROUPS"



"THIS COULD HURT YOUR CAREER"



"NO RAISES DURING NEGOTIATIONS"



"YOU CAN ALWAYS COME TO US"



"THIS WILL MAKE IT AN 'US VS THEM'"



"YOU'RE INELIGIBLE"



"MANAGERS ARE TAKEN OUT OF EQUATION"



"WE GAVE YOU PARENTAL LEAVE"



"THE COMPANY MIGHT NOT EVEN SIGN"



TRADER JOE'S COMPANY

January 3, 2023

Dear Trader Joe's Louisville Crew Member,

Thank you for all the work you did in your store over the holidays. It's an extremely busy time of year, and I know the weather got a bit crazy leading into Christmas, but as always you did an amazing job helping our customers and each other. I hope you were able to enjoy Christmas Day and New Year's Day with family and friends.

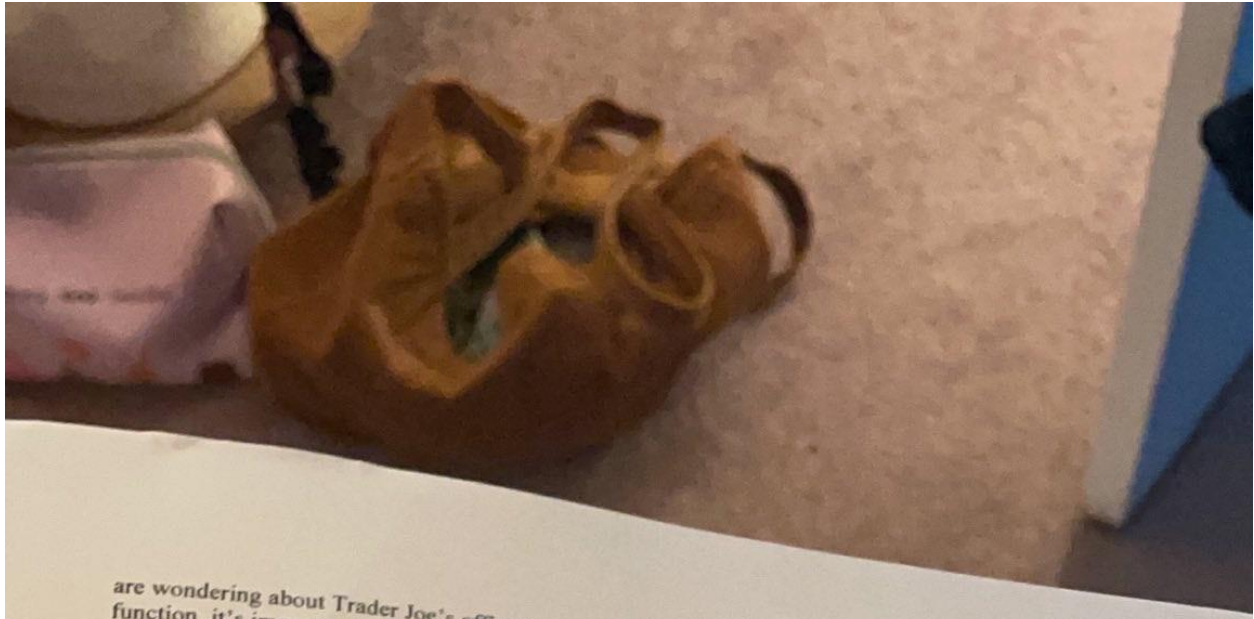
I'm writing to you because I was given a copy of a document that was being distributed in your store titled "Trader Joe's Union Busting Campaign – A Guide for the Crew, by the Crew" in which my name was mentioned as the lead-in to the first highlighted paragraph. The paragraph was labeled "Frequent Visits from the Higher Ups."

I'm not writing to explain why I believe you or any Trader Joe's Crew Members at any of our stores don't need a union. (And saying Trader Joe's stores don't need a union doesn't mean I'm a union-buster.) Instead, since they mentioned me by name, and my visit to Hadley, I will focus on that.

In 1990 I started as a Crew Member in store #59, Santa Barbara, California. I was in graduate school at the time and was looking for a job where the pay was good, the schedule flexibility worked with my course load, all people were treated with respect, and I could wear shorts and a t-shirt to work. It was hard work, but it was fun, and I decided to stick with it to see where it would lead. 32 years later, after spending the first 11 years of my career working in stores as Crew, Mate and Captain, my name is mentioned in a six-page document about union busting, with the overall implication that we in the office don't care about store Crew Members. I find this to be as humorous as it is insulting.

Visiting stores and talking with Crew Members is what we do, and how we spend a large portion of our time. In 2022, I spent 107 days traveling to visit over 200 of our stores. (If you are playing union-busting Bingo this is where you can fill in the "the company is already listening" square.) This wasn't a "listening tour," it's what we do, and have been doing for the past 20+ years. Visiting stores to talk with Crew Members is not only our job, but also what we enjoy most about our job. Yes, all conversations with Crew Members during these visits start as friendly conversations, but it's also important for us to find out what in the store is working and what needs to change to make the Crew experience and the customer experience the best they can be. It has always been our view that there is no better use of our time than spending hours in a store talking with Crew Members.

The friendly, inclusive, integrity-driven, and often fun work environment in Trader Joe's today is the result of decades of conversations between Regionals, members of Central Management, and store Crew Members. These interactions are truly what the inverted pyramid is all about. If you



are wondering about Trader Joe's office Crew Members, including Central Management, and how we function, it's important to know that Trader Joe's has 59,000 Crew Members with only 276 Crew Members working in the office, covering all aspects of the business including Accounting, Marketing, Buying, HR, Operations, IT, Maintenance, etc. (And who by the way also wear Hawaiian shirts, t-shirts, and nametags, to work every day.) All office Crew Members start out working in our stores, with a large percentage having several years of store experience. All 276 office Crew Members understand their job is to support the Captains, Mates, Merchants, and Crew in all 540 stores.

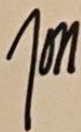
When a store like Hadley, or your store in Louisville, files a petition to seek a union vote, we are going to follow all NLRB laws and regulations regarding what types of conversations we can have with you, and how those conversations can take place. But we aren't going to stop visiting the store and talking with you, regardless of how these visits are misrepresented by the union. The decisions we make every year are based on conversations we have with you and your fellow Crew Members, and we will continue to operate in this manner.

You get to decide whether you want a union. In the meantime, as has always been the case, please know you can talk with your store leadership team, your Regional Michael, your store EVP Dionne, or me at any time about anything. And if you aren't comfortable talking with us for any reason, you are encouraged to talk with our VP of Human Resources Laurie Mead. (This is where you fill in the square "You Can Always Come to Us." Is that a bad thing? I guess something can be on a Union Busting Bingo card, and be true at the same time, not to mention the right thing to do.)

I haven't forgotten what it's like to be a Crew Member working early and late shifts in the same week, paying off my student loans, and trying to figure out if I should stick with Trader Joe's or pursue a different life and career path. If you want to know more about Trader Joe's, where we are headed as a company, or talk about specific things related to your store and your career please don't hesitate to call, 626-599-3756, or send me an email, jbasalone@traderjoes.com.

I look forward to seeing you and talking with you in your store sometime soon.

Thanks for all you do,



Jon

CONNOR,
ENCLOSED IS A LETTER
I HOPE YOU WILL READ
AND CONSIDER.

TAKE CARE,

JON