

The following is an excerpt from "Why We Organize," a packet created by the Organizing Committee at the Hadley, MA store--the first in the country to unionize.

This section of the packet deconstructs the letter that Trader Joe's CEO Dan Bane sent to every crew member and merchant in March 2020.





**why we
organize**

Let's talk about that union-busting letter from our CEO, Dan Bane

During the early days of the pandemic, our CEO Dan Bane sent the following letter to each and every crew member's home.

While Dan tried to take on a tone of care and concern for us, his letter was an obvious attempt to discourage crew members from organizing unions.

The letter contained the three basic types of union busting arguments an employer will use to fight an organizing campaign: third-partying the union, making pleas to our emotions, and telling lies.

Let's break down the letter in detail. It shows us exactly where the company is really coming from, and prepares us for some of the arguments that we're sure to hear as our campaign moves forward.



March 31, 2020

To: All Crew Members

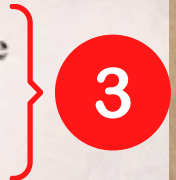
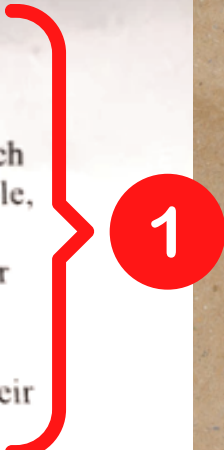
From: Dan Bane

I write during this extraordinary time for our company, our stores, our Crew Members and our country for two reasons. First, I simply want to say thanks for all you are doing to take care of our customers and each other. You inspire all of us and cause many of our customers to flood us with positive stories about your good works. Thank you.

Secondly, I want to share my thoughts related to the current barrage of union activity that has been directed at Trader Joe's and other "non-union" grocers during this difficult time. A host of union campaigns have been launched that seek to capitalize on the current unstable environment in America—one in which misinformation and fear are spreading unchecked in the media and we are unable, due to travel restrictions, to spend time in stores around the country talking directly with our Crew Members as we normally do. Overall, it does not matter to these union advocates if their "allegations" are true or not. They clearly believe now is a moment when they can create some sort of wedge in our company through which they can drive discontent, by claiming only joining their union will protect the pay and benefits you currently enjoy.

You should understand that the National Labor Relations Board (NLRB) has deferred all potential union elections during this pandemic period. But this attempt to have fewer distractions related to potential union actions has not stopped the activity I noted above. And that is what it is...a distraction.

When this effort is behind us and we return to a new normal, there will be ample time to deal with the union push. I am convinced that any Crew Member who critically considers the question will conclude that being a Crew Member at Trader Joe's beats being a "member" of a union.



We have compared the union contracts that exist for other grocers. Trader Joe's has higher starting wages, pays raises every six months that equate to about 7% per year if you meet expectations, has a higher cap rate and creates significant upward mobility because we are a high-growth company and promotions come from within the Crew. Similarly, our benefit plans for health and time off are outstanding and we pay 10% of earnings into a retirement fund that belongs to you. No union comes close and you don't pay union dues. But don't take my word for it. The union contracts can be found on the internet. A few examples of postings are available for your review at www.union-contracts.com

4

I believe all of this and the overall way we use our Values helped us be named the best company to work for in America last year, based on Crew Member feedback in Forbes. We beat out many companies...some other grocers too, but the factor we all had in common was that we all took care of our employees directly.

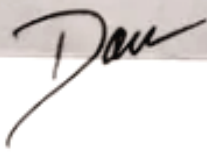
5

6

However, with all of this said, I will make a pledge to you. When this current period of unrest has settled down, if there are 30% of the Crew Members in any store that tell us they want to have a union vote...we will.

7

Best regards for good health and with many thanks for your heroic efforts,



Dan Bane

"I want to share my thoughts related to the current barrage of union activity that has been directed at Trader Joe's and other "non-union" grocers...they clearly believe now is a moment where they can create some sort of wedge in our company..."

1

This is a clear example of a classic union-busting tactic called **"third-partying the union."** Third-partying the union is any argument that paints the union as an outside force trying to manipulate workers into joining, and it's simply false.

The reality is, unions are not trying to fool us into organizing. **WE are the union, and we are organizing ourselves.** Our campaign and our future contract negotiations are driven by us, the crew.

Additionally, our goal is not to create a "wedge," but instead unite to take care of each other and improve our workplace.

Any "wedge" between us and our employer already exists in the space between our needs and the company's interests, and is driven deeper every time Trader Joe's abruptly reduces our benefits or ignores our safety concerns.

This truth-bending paragraph is incredibly misleading, suggesting a long-term suspension of union elections because they were a "distraction" during the pandemic. Not true! Here's the reality:

The NLRB "has deferred all potential union elections..."

2

On March 19th, 2020, the National Labor Relations Board (NLRB) announced a two week suspension of all union elections for the safety of NLRB employees and the public, citing the difficulty of effectively overseeing elections due to temporarily reduced staffing and office closings.

The issue at hand was never that elections were "distracting" (distracting from what, exactly is unclear), but simply that the NLRB, like most organizations and businesses at the time, needed a moment to adjust to the realities of operating in a pandemic.

Adjust the NLRB did, and quickly. In its March 19th announcement, the NLRB stated that elections would only be suspended for two weeks, until Friday, April 3rd, 2020. (Note that this letter from Dan Bane is dated March 31st, 2020).

Here's the initial announcement from the NLRB: <https://bit.ly/NLRBannouncement>

On April 1st, 2020, the NLRB announced that the temporary suspension of elections would not be extended, and elections would resume on Monday, April 6th, 2020. See the announcement here: <https://bit.ly/NLRBresumes>

In his letter, Dan Bane implies that the suspension of elections is a long term situation preventing us from addressing unionization until the end of the pandemic. Not accurate.

3

"I am convinced that any crew member who critically considers the question will conclude that being a Crew Member at Trader Joe's beats being a "member" of a union."

Crew membership and union membership are not mutually exclusive. We can be dedicated Crew members and dedicated members of our union at the same time.

And having critically considered the matter, we've decided we'd prefer to be both.

4

"...our benefit plans for health and time off are outstanding, and we pay 10% of earnings into a retirement fund that belongs to you."

While union-busting tactics often play on our negative emotions, such as fear, this part of the letter attempts to play on our sense of gratitude.

A few facts:

First, this letter hasn't aged well. Our retirement benefits have changed radically since

this letter was written. While some of us still received a 10% contribution this year, many of us didn't, and there is no longer a guaranteed retirement contribution at all. In terms of retirement, our Handbook now states that "Trader Joe's may make a discretionary contribution to your retirement plan to help you pursue your retirement goals." That's it.

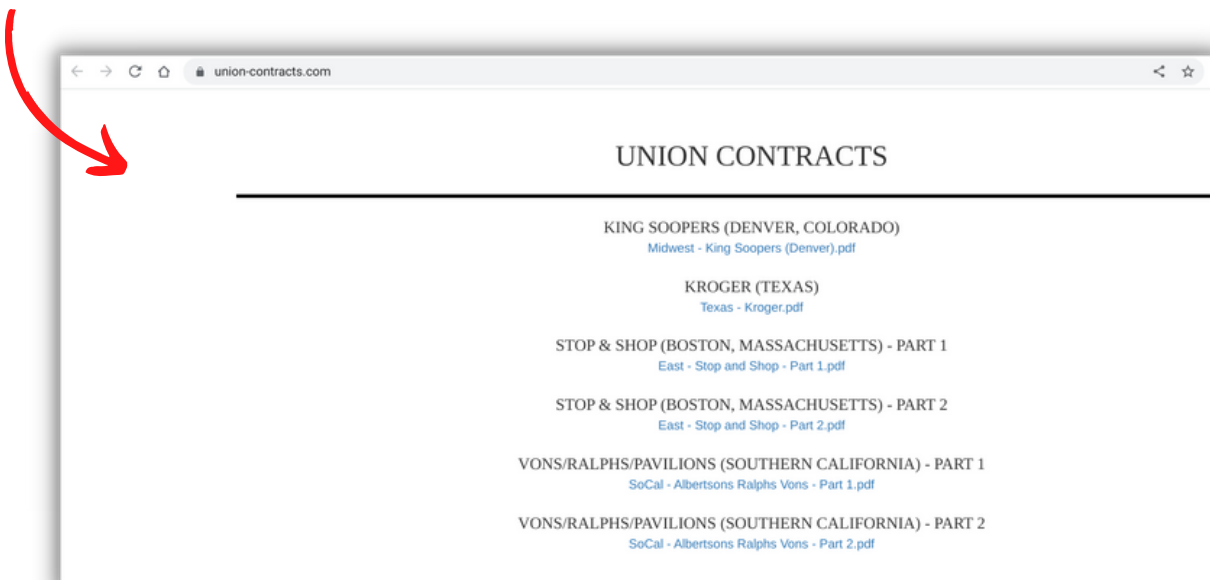
Second, even after dues are considered, unionized workers have better pay and benefits. The contract we negotiate and ratify will only improve our pay and benefits. See this article from the Economic Policy Institute: <https://bit.ly/unionworkerspaidmore>

Third, and most importantly, our pay and benefits can be changed at any time, without warning or input from us. We've seen this happen time and time again. By forming a union, we will have the power to maintain and improve our compensation, benefits, and work environment. We will be protected by the contract that we ourselves negotiate and ratify, and by the power and resources our union can provide.

5

"The union contracts can be found on the internet. A few examples of postings are available for your review at www.union-contracts.com."

Dan Bane recommends *union-contracts.com* as an informative source with examples of actual union contracts. Go to this website and you'll find a single page with six contract links. That's it. Nothing else.



We researched the origins of this website. You can look up the history and ownership of any web domain on whois.com.

If you look at the domain records for www.union-contracts.com, you'll discover that this domain was created on 3/26/2020, *just 5 days before Dan Bane sent us this letter*, and that the domain was privately registered to hide the identity of the owner. (See domain records for the site here: <https://bit.ly/ilookeditupforyou>)

It's not hard to connect the dots here. This website isn't an independent survey of union contracts, it's a cherry picked list created by Trader Joe's in order to support this union-busting letter.



Domain Information	
Domain:	union-contracts.com
Registrar:	Network Solutions, LLC
Registered On:	2020-03-26
Expires On:	2025-03-26
Updated On:	2020-03-27
Status:	clientTransferProhibited
Name Servers:	a1-251.akam.net a10-66.akam.net a12-67.akam.net a24-64.akam.net a3-65.akam.net a9-66.akam.net

Interested in seeing a non-biased list of union contracts? Check out this massive, searchable directory of contracts at the Department of Labor, which Dan could have directed us to: <https://bit.ly/unioncontracts>

Curious about what's in a union contract? Check out this article, which discusses the basics of union contracts, with an example: <https://bit.ly/inacontract>

Again, the contract that we negotiate and ratify is specific to us, and will only improve our pay, benefits, and work environment.

6

"...the best company to work for in America..."

Spoiler alert, Trader Joe's no longer ranks as the best company to work for in America (ahem...kaizen opportunity, anyone?). Even if this ranking was the same, we would still benefit from and have the right to form a union. Every worker has the right to organize.

7

“I will make a pledge to you. When this current period of unrest has settled down, if there are 30% of the Crew Members in any store that tell us they want to have a union vote, we will.”

This is a good one. Let's break it down.

First, let's address that "current period of unrest" statement.

We think it's safe to say that Trader Joe's can't use the pandemic as an argument against unionization any longer. The company has removed mask mandates, hazard pay, and Covid leave, indicating that this "period of unrest" (aka pandemic) is over, at least in their eyes.

Now, let's talk about Dan's pledge.

“I will make a pledge to you...If 30% of Crew Members in any store tell us they want to have a union vote, we will.”

Dan, this isn't a pledge that you can make to us. This is literally the law, and Trader Joe's has no say about it.

As the National Labor Relations Board states: “If at least 30% of workers sign cards or a petition saying they want a union, the NLRB will conduct an election. If a majority of those who vote choose the union, the NLRB will certify the union as your representative for collective bargaining.”
<https://bit.ly/righttoformaunion>

Dan, here's the pledge that you can really make, and the pledge that we are asking you to make:

Let us vote, without interference. Without retaliation or attempts at union busting.



UNION



**NATURALLY SWEET
NO ADDED NONSENSE**