

June 25, 2002

Dear Brothers,

There seems to a lot of meaning placed on the outcome of the MOU I. I understand that there were some positive indications that this would turn out differently. After some reading and research I have some information to share about the MOU and the LRB ruling. Remember I am not a lawyer but have some interest and a rough understanding of the process.

On first reading it seemed to me that the ruling placed a great deal of weight on the oral testimony of Connie Smith. There seemed to be a willingness to infer adverse meanings where the union's concerns lay. Ivan's testimony did not seem to get the weight that Connie's did. There seemed to be important issues regarding Jeff Allen's authority to sign such a document. Connie admitted "...that her authority over Allen was never communicated to the union." It seemed to me that Jeff Allen should have been there as he was a central figure in all of this. The LRB did not see fit to infer any meaning to his absence nor his complicity.

Information can be a bitch when it tells you something you really didn't want to hear. As I went through the ruling more closely I started to realize that not all the facts were presented at the union meetings. In a nutshell the following seemed to present itself.

Documents giving one party the right and sole benefit to cancel an agreement at any time are rare in labour relations. Labour relations requires stability in the agreements for both sides to get what they want. That such a document should come into being under the veil of secrecy, with reasonable suspicion that this was done to mislead the principals of one side, is not a good start. Ivan admitted that he was aware Jeff Allen had signed the document without Connie's consent. That a subsequent CA was signed shortly thereafter, with the MOU missing, is even worse. That the opportunity was available many years ago to demand a satisfactory resolution for the very basis of the MOU, is one more nail in the coffin. The wording of the document is also ambiguous in places. I started to see that this was a poisoned document from the time it was hidden and more so after the CA was signed shortly afterward with the MOU missing. I started to see why Jeff Allen's testimony was a moot point. I started to see why Ivan had not presented or sought a legal opinion on the merits of the argument, only what to do should we decide to proceed with it. I came to understand that it never had a chance and that legal advice would likely point this out.

Had I known all the details that came out in the ruling when I was asked for a strike vote, I'm not sure I would have voted the way I did. You may recall that at the last few union meetings there were motions to end question period, even though it was obvious there were still people with questions to ask. As is proper, a vote on the motion was taken. You voted to end question period for reasons that still evade me. But you voted for that.

As for taking this as an omen for the Common Employer argument remember this. The MOU and it's circumstances were an unusual "out of left field" kind of situation the LRB is not likely to see again for some time, if ever. Common Employer, on the other hand, has a long history, many precedents, much case law, and jurisprudence attached to it. It is anything but "out of left field". And don't forget that the bare truth of our situation is that

we are working for OFG. And Safeway members just won an LRB case regarding an appeal by the employer.

Before all this MOU stuff came along we were doing well. We had successfully gotten our chief shop steward invited to tell our story at the Harrison convention. Our own members started the leafleting campaign of their own accord. We jumped on the wagon and our information campaign gathered good steam and support. Too Good?

Then the MOU revelation. Leafleting seemed to take a back seat to this new show as if pursuing the MOU action somehow made leafleting less of a strategy in it's own right. We couldn't get the changes to the leaflets that we wanted. We received minimal internet coverage from our official site. No more ads appeared. Questions, theories, rumors, and accusations get started. Solidarity of purpose goes downhill. The campaign stalls.

We can debate all this Mou stuff, why certain details are only coming out now, why all this went down the way it did. But it is pointless. Our lawyers will do as they are instructed by the executive and the system has largely placed these proceedings away from our inspection, at least until after the fact.

The MOU has derailed what was an excellent and enthusiastic start. It cost us about a month of precious time. More than that it seems to have taken your belief that you can win this thing. Once you believe that, you are half way to losing. The MOU is now, for us, a waste of time and a distraction.

I suggest very strongly that you forget about the MOU. It has no bearing on anything except UFCW's motivations and we are not likely to get a straight answer on that one. I am sorely tempted to write further about it but what's the point? Why let it continue to impede our progress and be further distracted from the important stuff?

As I said in my letter to Ivan, success will not come from any one great idea. It will be pursuing every avenue and tying them together. I suggest you focus on solidarity in the workplace, on demanding the money and resources we need, and be a part of making them effective. Get back to the store entrance where the money flows in. Educate the customer. Most of them want to know. We merely need to regroup and stick together. There are many things in the works and we will shortly be back in the driver's seat. Please remove the MOU ball and chain from your thoughts.

In Solidarity,

Darryl Gehlen