The shadow over the West Coast

T.S. Eliot once wrote “Between the idea and the reality between the motion and the act falls the shadow.” The West Coast maritime situation is under such a shadow as it tries to resolve its labor issues to the satisfaction of all parties.

The International Longshore and Warehouse Union and the Pacific Maritime Association have apparently reached an agreement on a new contract, for which negotiations were conducted under a news blackout. It was preceded by work slowdowns along the entire West Coast. Most port operations were reduced to half of normal performance level.

Surprisingly, people have expressed surprise at the situation. This is somewhat similar to being shocked that the Harlem Globetrotters would defeat the Washington Generals.

How did we arrive at this place? The history of labor negotiation on the West Coast has been a complicated one of give and take. The PMA continues to give while the ILWU gladly takes.

The last contract, signed in 1996, was a disaster. The PMA granted wage increases with the hope that productivity would counteract adverse economics. Productivity failed to reach anticipated levels and costs increased beyond everyone’s expectations.

The real disappointment has been in steady labor. Side deals aimed at keeping steady workers were allegedly eliminated; highly paid workers were sacrificed to the supposed greater good of the other union members. But after a year of deteriorating productivity, there was a general recognition that the side deals were back in place. Lacking the ability to police its own membership, the PMA simply ignored the problem.

The ILWU house was hardly in much better order. Contract demands were plentiful. The platform could be outlined as: more work, more pay and more benefits.

More work comes from the ILWU seeking increased jurisdiction over port tasks, such as trucking, and maintenance and repair. More pay comes from seeking to narrow pay differentials. Since lowering the top tier is not an option, the union’s feeling is that all wages should be increased to the top level. More benefits come from the demands regarding health, welfare and pension payments to workers — not only current workers, but retirees as well.

The ILWU even went so far as to perform community outreach and position its members as workers trying to remain part of the middle class in the face of hostile management action. Nobody challenged this notion from workers who work fewer than 40 hours a week and make in excess of $100,000 annually.

Negotiations began before the contract expired the evening of June 30, 1999.

Over the Fourth of July weekend, operations were handled normally. This should not be a surprise. July 4 is a huge turnover windfall for workers and July 5 is Bloody Thursday, a paid holiday. Only after this holiday pay was earned did labor begin to get up.

Some ports were shut down. One should have won an award for optimism when it pointed out that the gates were open — although vessels were diverted and no cranes were working. Other ports suffered greatly reduced productivity as union workers moved “slow as they could and as fast as they must.”

The practices here are in marked contrast to other industries. If negotiations extend past expiration, parties often agree to “stop the clock” so that workers can keep working and negotiations can keep talking. Sometimes there is even a written extension. None of that occurred here. The PMA asked for such agreement but the ILWU reportedly refused.

Employers have made themselves vulnerable to rolling job action — or terrorism, depending upon your view. Recognizing this problem in 1992, the railways prompted a two-day rail shutdown by initiating a labor lockout, which could have happened here. Although it is usually mentioned as an option, the PMA refuses to take such an action. Still, it is hard for the employers to negotiate from weakness.

Not surprisingly, the ILWU maintains that the job actions are not sanctioned and are merely the work of local longshore workers. The PMA has shown a willingness to file suit, and may even have the nerve to go to trial.

It is not without significance that negotiations are being led by the largest locals. James Spinosa from Southern California usurped the negotiating lead from union President Brian McWilliams, and it appears that Spinosa attempted to secure even more concessions from the PMA.

Spinosa may be trying to protect himself from the usual union outrage directed at the ILWU lead negotiator. Maybe he can point to the job actions and cite them as his effective leadership tactics that caused management to crumble at the negotiating table. He still needs to get the rank and file to ratify any agreement.

Meanwhile the shadow still obscures the outcome of this important transportation situation.

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