

# Justice for Port Truck Drivers

[www.JusticeforPortDrivers.org](http://www.JusticeforPortDrivers.org)

PRESS RELEASE: Wednesday, April 20, 2016; 3:00 PM

PRESS CONTACT: Barb Maynard, (323) 351-9321; [barb@mcsonline.org](mailto:barb@mcsonline.org)



\*\*\**UPDATE*\*\*\*

*As misclassified truck drivers employed by Chinese government-owned port trucking company continue strike...*

## **NLRB issues historic Complaint against company alleging that misclassification violates workers' right to form a union**

**PORT OF LOS ANGELES/LONG BEACH** – Just hours after misclassified employee drivers at [Intermodal Bridge Transport](#) (IBT) launched their third Unfair Labor Practice strike ([click here](#) for a copy of the charges filed on behalf of the drivers), drivers received news that Region 21 of the National Labor Relations Board (NLRB) [issued a Complaint](#) alleging that the company's managers and supervisors violated the National Labor Relations Act (NLRA) by making unlawful threats and promises in violation of Section 8(a)(1) of the NLRA. Specifically the Complaint alleges that:

- IBT managers and supervisors interrogated employees about their support for the union, promised more work to employees if they ceased engaging in union activities, and threatened employees with job loss and other unspecified reprisals if they continued to support the Union; and
- "IBT has misclassified its employee drivers as independent contractors, thereby inhibiting them from engaging in Section 7 [union] activity and depriving them of the protections of the Act."

"The government has confirmed what we've felt all along, that these companies have been intentionally misclassifying us in order to divide us and silence us, to keep us as slaves," said Eduardo Quintero, a misclassified port truck driver employed by IBT and on strike today.

"This proves what we have always believed – that misclassification is not just wage theft; misclassification deliberately robs workers of their right under the law to unite for a better future," said Fred Potter, Vice President, International Brotherhood of Teamsters and Director of the Teamsters Port Division.

"The Complaint issued by the NLRB Regional Director represents a determination that misclassifying drivers in and of itself violates the NLRA," said Julie Gutman Dickinson, attorney for the Teamsters Port Division. "The complaint will lead to an historic trial where for the first time, a Judge will determine whether the act of misclassifying drivers in and of itself violates the National Labor Relations Act."

*Continued on next page*

Under the National Labor Relations Act, employees, but not independent contractors, have the right to organize a union. Therefore, Gutman Dickinson says, “If a company misclassifies its drivers as independent contractors when in fact they are employees, as is a common practice in port trucking across America, it is effectively telling workers that they cannot unionize, and thereby interfering, restraining, and coercing them in the exercise of their very basic rights to choose whether or not to form a union. The issuance of this Complaint by the Regional Director – and now the prosecution of the Complaint by the General Counsel of the NLRB – will send the message loud and clear to the trucking industry that misclassification carries a high price, and that companies can no longer violate the law with impunity without multimillion dollar liability, recurring labor unrest, and contempt of court, including fines and imprisonment.”

### **IBT DRIVERS ON STRIKE**

Early Wednesday morning, misclassified employee drivers at [Intermodal Bridge Transport \(IBT\)](#), a subsidiary of the Chinese Government-owned [COSCO Logistics Americas](#) network, went on strike for the third time to protest misclassification as independent contractors – and misclassification-related harassment, favoritism, and retaliation – all “Unfair Labor Practices” pursuant to the National Labor Relations Act.

The drivers, who haul containers on and off the docks for IBT’s name-brand customers, including Michael Kors, Sony, Toyota, General Electric, and Target, are participants in a myriad of class action, mass action, and individual lawsuits for misclassification and wage theft. This is their third strike in the last year (April 2015, Oct. 2015, and April 2016).

In December 2015, the People’s Republic of China announced the [merger of COSCO and the China Shipping Group](#), which in 2005 was the benefactor of a lucrative multi-million subsidy from the Port of Los Angeles to help upgrade the company’s vessels with anti-pollution technology. In a recent expose by the [Los Angeles Times](#), it was revealed that “the company, China Shipping, used the money to upgrade 17 ships, but the city didn’t get all the promised environmental benefits. Most of the vessels stopped traveling to Los Angeles in 2010.” The [Los Angeles Times](#) reported in December 2015 that the Port of Los Angeles, under the leadership of former director Geraldine Knatz, allowed China Shipping – the port’s largest customer – to skirt emission-reduction requirements tied to the terminal expansion. “The city-owned port gave China Shipping North America permission to ignore some of the emissions-reduction requirements the city agreed to impose as part of a highly publicized legal settlement with environmentalists and homeowners near the complex,” reported the [Los Angeles Times](#) in December 2015.

“My trucking company basically treats us drivers like slaves. The company deducts the cost of diesel fuel, insurance and truck lease payments from our paychecks every week. But as a subsidiary of COSCO, Intermodal Bridge Transport is basically owned by the Chinese government. Why can my employer get away with not respecting U.S. labor laws by stealing wages from us and playing favorites with certain drivers who promise not to stand up for our right to drive safe trucks and to receive the benefits of employees,” said Jose Ortiz, a misclassified independent contractor employed by IBT.

###