

Grocers, union agree to resume negotiations

by Keith Darce

SAN DIEGO - Following a week of escalating tension, the three major Southern California grocers and the union that represents their employees stepped back from the brink of a strike Thursday and agreed to return to the bargaining table sometime after Monday.

A contract extension for the 65,000 members of the United Food and Commercial Workers union at nearly 800 Albertsons, Ralphs and Vons stores expires at midnight Monday, but the agreement will continue on a day-to-day basis as long as neither side gives 72 hours' notice to end negotiations.

Grocery chain and union representatives said Thursday that the talks will resume. They declined to say when, citing bargaining rules that block disclosure of such details.

Workers have demanded better pay and health care benefits, and they want to do away with a two-tier system created three years ago in the now-expired contract that gives new workers lower pay and fewer benefits than veteran employees.

On March 27, Albertsons workers authorized union leaders to call a strike against the chain. The grocers retaliated Wednesday, agreeing to lock out union employees if a strike is called against any one of the chains.

Were the moves brinkmanship that escalated the likelihood of repeating the costly 4-month strike and lockout in 2003-'04 that eventually led to the current contract? Or were they simply part of a dance that occurs as companies and unions test each other's limits on the way to common ground?

Even some people who make a career of watching such machinations don't agree.

"There is a certain amount of threat involved in these kinds of negotiations because, sadly, just sitting around a table rarely produces enough information to determine what is the best course of action," said Robert Bruno, an associate professor of labor and industrial relations at the University of Illinois at Chicago.

"To the general public, it looks like folks aren't willing to reach an agreement and aren't willing to negotiate, but in fact this is Negotiations 101," Bruno said. "It's a genuine tactic in trying to determine what the other side needs and how far they are willing to go. It's all about information."

Harley Shaiken, a professor at the University of California Berkeley who specializes in labor issues, sees things differently.

"The direction the talks are taking indicates a deep divide," Shaiken said. "In any set of negotiations, both sides take a public position that may be a bit at odds with what is going on behind the scenes. But this is a case where I think you have a deep divide."

Given the difficult negotiations and strike that occurred just a few years ago, the grocers and the union are wading into familiar territory, Shaiken said. "You can't just say that they are feeling each other out. They've been there and done that."

No matter what the motives, the hard lines adopted in recent days compound the risks facing both sides in the confrontation, said Ken Jacobs, chairman of UC Berkeley's Institute for Research on Labor and Employment.

"Each side is going to push as hard as it can and judge the other's response. But sometimes these things take on lives of their own," Jacobs said.

A smaller-scale strike involving only one of the chains would be more advantageous for the union, which was forced to spend down its resources three years ago to help sustain a much larger group of striking workers, Bruno said.

The agreement by grocers to lock out union workers at all three chains in the event of a strike against any one of them sets the stage for a much more costly battle for both the union and the companies, Bruno said.

The strike three years ago cost the grocers about \$2 billion.

Bruno said the grocers could be forced to make unemployment payments to locked-out workers whose chain was not part of a strike vote if state labor regulators determined the lockout was unfair. That wasn't the case three years ago because workers who were locked out by grocers had previously voted to strike.

A lockout without a strike vote also could bring a finding of unfair-labor practices against the grocers by the National Labor Relations Board, which could weaken the companies' position in the strike, Bruno said.

Even with tensions running high, Jacobs is betting that memories of the last strike, still fresh in the minds of grocers, workers and many shoppers, will help avert a repeat of that misery.

"No one wants a strike here. No one wants a lockout," he said.

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