## Pacific Beach Workers Struggle for Justice Victory Report -- Seeking a new international solidarity

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Protest rally in front of Pacific Beach Hotel (December 1, 2008) ©ILWU Local 142

## Introduction

The labor dispute at Pacific Beach Hotel (PBH) in Waikiki, Hawaii, over the December 2007 firing of 32 workers and core activists as well as union busting spanning more than a decade was completely resolved on January 14, 2013. Management in January 2013 outsourced the running of the hotel and transferred all their employees over to another firm. This was part of the company's reversal of long-standing anti-union policy. As a result of negotiations with the new employer, the International Longshore & Warehouse Union (ILWU) Local 142 managed to win a collective labor-management agreement stipulating working conditions and basic union rights, including terms for a union shop and a *check-off* automatic dues deduction system.

Some 80% of guests at the hotel are Japanese, so at the behest of the AFL-CIO and the ILWU, the Tokyo office of the International Transport Workers' Federation (ITF), Japanese Council of Transport Workers' Unions (Koun-Rokyo; ITF-JC), All Japan Dockworkers' Union (Zenkowan), National Federation of Dockworkers Union of Japan (Zenkoku-Kowan), Japanese Trade Union Confederation (JTUC; Rengo), Japan Coordinating Council of International Union of Food, Agriculture, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF-JCC), Japan Federation of Service & Tourism Industry Workers' Unions (Service Rengo), Labor Now and others held a "consultation committee" meeting to support the union in its dispute. They mutually supported each other in a manner transcending the limits of industrial unions and national trade union centers. At the same time, Japan Association of Travel Agents (JATA), a business federation of travel agents that send guests to the hotel played an important role for PBH and agreed in many ways to help resolve the dispute. What determined victory more than anything was the relentless struggle of the workers themselves.

This dispute involved corporate reorganization techniques. The company outsourced the running of the hotel to a management firm, transferred the employees, then suddenly terminated the outsourcing contract and *rehired* the employees who had been transferred to the management firm. It was during this *rehiring* process that the hotel discriminated against the core union activists, in essence firing them and initiating the dispute. As stated at the beginning of this paper, the hotel in the end halted direct management, re-outsourced the running of the hotel, and switched hotel management, thereby resolving the dispute.

I was asked by ILWU to be the ILWU contact person in Japan to help coordinate collaboration between ILWU and Japanese labor unions, to organize a framework for Japanese support for the union fight and to coordinate the boycott. I participated as a supporter of the union in its fight. It is from that perspective that this paper will introduce the dispute and attempt to articulate the achievements and remaining challenges for this international solidarity movement. Below I will enumerate the players in the dispute, the development of the dispute, the movement of support in Japan, and the struggle's achievements.

#### I The Players

## 1 Pacific Beach Hotel

Located on Waikiki Beach in Honolulu, on Hawaii's Oahu Island,<sup>1</sup> PBH is a large hotel with 837 rooms and about 400 employees.

It is owned by HTH Corp., which was established by Herbert T. Hayashi, a Japanese-American entrepreneur.<sup>2</sup> HTH also owns several business properties on Oahu including retail stores and apartments. PBH is wholly owned by HTH and is not part of a large corporation or hotel chain.

Hayashi died in 2005. His daughter Corine Watanabe took over as CEO of HTH and is now chairwoman and CEO. Her cousin John Hayashi became president on June 21, 2009. The actual human resources management of PBH was handled by Vice President Robert Minicola (who resigned after

resolution of the dispute).

A January 2008 ILWU study estimated that between 75% and 80% of PBH's guests were from Japan, with the large majority coming as part of package tours.

## 2 ILWU

ILWU is a labor union that organizes a wide range of industries along the west coasts of the U.S. and Canada as well as Hawaii, including port and harbor, distribution, transport, agriculture, cement, tourism and hotel industries. ILWU's Local 142 has 20,000 members in Hawaii, including PBH workers. ILWU belongs to the AFL-CIO, the largest national trade union center, as well as the global union federation ITF. It is also a sister union to Zenkowan with which it signed a mutual aid agreement when the dispute began.

## **II** Union Recruiting and Dispute at PBH

#### 1 The Fight for Unionization and Certification

In January 2002, PBH workers were approached by ILWU and began unionizing. HTH hired several guards to intimidate workers, set up group and one-on-one meetings with middle managers and tried to isolate union supporters with a carrot-and-stick policy of financial incentives and threats.

The certification vote for union representation was scheduled to take place on July 31, 2002. Management held a meeting at the last stage of the voting process and pressured employees not to vote to support the union. The union petitioned the National Labor Relations Board (NLRB), a federal government agency similar to Japan's *Rodo Iinkai* Labor Commission, and its San Francisco Regional Office (similar to Japan's prefectural *Rodo Iinkai* Labor Commission), for a revote, claiming the vote was unfair due to management unfair labor practices. In February 2003, the San Francisco Regional Office recognized the petition and ordered the company to redo the vote for union representation. HTH appealed, but the NLRB Board in Washington (equivalent to the *Chuo Rodo Iinkai* Central Labor Commission in Japan), rejected the appeal in June 2004, again ordering a revote.

The second certification vote took place in August 2004 with a majority voting to support the ILWU. HTH lodged several voter eligibility protests and refused to recognize the vote results. In August 2005, the NLRB recognized that a majority of employees by a margin of one had voted to support the union, thereby establishing ILWU's representation rights<sup>3</sup>.

## 2 The Dispute Begins

Outsourcing Running of PBH, Transfer Then End to Outsourcing, Discriminatory Hiring

Negotiations began in November 2005, but HTH refused demands for union security and for "checkoff" automatic deduction of dues from wages, leading to a stalemate. "Union security" means a union shop arrangement obliging all hotel workers to join the union and pay dues. Such a clause is included in all hotel labor management agreements in the state. Workers held rallies, demos and pickets during 2006 and 2007 to support fair collective agreements. Three-fourths of the workers at PBH signed a petition urging a quick resolution to contract negotiations.

In January 2007, HTH outsourced management of PBH to Pacific Beach Hotel Management (PBHM), a company owned by Outrigger Resorts. HTH remained the owner of the hotel and transferred all the employees to PBHM. This company carried on contract talks. In March 2007, a majority of workers signed a second petition demanding a fair contract.

In August 2007, HTH suddenly announced that the outsourcing contract with PBHM would be

cancelled effective December 1, 2007, and that all employees would be rehired by HTH.<sup>4</sup> HTH then announced that since it was legally a new employer, that all employees would have to "apply" for their jobs. Application documents included a clause saying the worker was applying as an "at-will"<sup>5</sup> employee. Employees also were asked to sign a promise not to say negative things about the company.

On December 1, 2007, HTH refused to hire 32 of the some 400 PBH employees, thereby in effect firing them. The company also changed the work hours, position and many other working conditions of the newly hired employees. The fired workers included two-thirds of the negotiating committee and the internal organizing committee. The company also announced the same day that it would not recognize the union and that it would stop collective bargaining.

Beginning December 1, without negotiating with the union, HTH management unilaterally worsened many working conditions, including increasing the number of rooms that room cleaners had to clean each day from 16 to 18 and from 15 to 17.

## 3 Workers Fight, Union Fight – Support Spreads

ILWU and PBH workers charged that the *hiring* refusals were unfair dismissals, that is union-busting unfair labor practices and began the fight to reinstate the fired workers, force management to recognize the union and to negotiate in good faith. In February 2008, the union petitioned the NLRB for relief from unfair labor practices, including the dismissals, the change in working conditions and the refusal of collective bargaining.

A support campaign developed, as unions under the umbrella of the Hawaii State AFL-CIO and local community organizations formed *Justice at the Beach* in order to support the fight and the organizing drive. In early December 2007, a boycott of PBH was called. Justice at the Beach included more than 40 local social movement organizations, Filipino organizations (many PBH workers are Filipino), 13 members of the state legislature, and U.S. Senator Daniel Akaka (retired from the Senate in January 2013).

ILWU and *Justice at the Beach* organized protests and leafletings in front of the hotel as well as a boycott. On February 15, 2008, the headquarters of the AFL-CIO (the largest national labor union center in the U.S., with 10 million members) announced it would support a nationwide boycott.<sup>6</sup>

## 4 Request for Support from Japan; Launch of the Support Movement

On January 12, 2008, I received an email from Gordon Lafer (who at the time worked as the PBH dispute support coordinator for ILWU in Hawaii and was with the Oregon University Labor Center). In the email he asked me to help build a network in Japan to support the dispute.<sup>7</sup> Lafer and ILWU discussed in what capacity I would be involved in support for the dispute, and the result of that discussion was that I would be the contact person for ILWU in Japan. My main job was to coordinate collaboration between ILWU and Japanese support organizations, to draft and coordinate specific campaigns to support the fight from Japan and to implement these actions.

I contacted the Tokyo office of ITF, Koun-Rokyo, Zenkowan, Zenkoku Kowan, Rengo's Department of International Affairs, IUF-JCC, and Service Rengo, then discussed and coordinated support from Japan. As a result, these groups held meetings to hash out our next moves, without creating a permanent support organization per se, in order to provide pragmatic alliances and support that could adapt as needed. On March 10, 2008, we held our first meeting. After that case officers from each of the above-mentioned groups attended these meetings and we went ahead with the support campaign.

On March 15, AFL-CIO President John Sweeney made a request for support for the PBH fight to Rengo President Tsuyoshi Takagi. On April 17, Rengo's Central Executive Committee decided to support

the dispute and to refrain from using PBH. Around that time, IUF-JCC, Zenkoku Kowan, Zenkowan, Koun-Rokyo, and Service Rengo, which organizes workers at Japan's main travel agencies and hotels, decided to support the PBH fight. They launched the support by sending a letter of protest to HTH. On April 17, the Tokyo office of ITF, Koun-Rokyo and other groups held a demonstration in front of the Yurakucho Marion Building in central Tokyo.

As originally envisioned, the dispute support strategy entailed reducing as much as possible the number of Japanese guests staying at PBH in order to put the economic screws on the hotel that had committed unfair labor practices and provoked the labor dispute. To that end, we repeatedly asked travel agent federation JATA and major travel agencies to help resolve the dispute. JATA conveyed to JATA's Outbound Travel Committee the fact that Japanese labor unions had provided information about the PBH dispute, and on April 14 JATA's deputy section chief in charge of Hawaii, who was attending the Japan Hawaii Tourism Council in Honolulu, met with an ILWU representative, Guy Fujimura, to gather information about the dispute.

Between May 5 and May 10, Emiko Aono (video producer for Labor Now) and I visited Honolulu, discussed dispute strategy with ILWU and took footage for a video about the dispute. On June 29, we uploaded the video *Watch This Before Staying in Hawaii!!! (Part 1)*(4 min., 35 sec.). It became a hit with some 90,000 views as of the time of this writing.

From July 6 through July 10, 2008, ILWU sent a delegation (ILWU Local 142 Secretary-Treasurer Guy Fujimura and Virginia Recaido, who had been fired by PBH) to Japan, worked with Japanese support groups and labor unions to hold rallies and protest actions, and sent requests to JATA and major travel agencies and held press conferences.

A delegation of five – Shigeru Wada from the Tokyo office of ITF, Shigeru Fujiki of Zenkoku Kowan and an ITF inspector, Akinobu Ito of Zenkowan, Videographer Aono and I – visited Hawaii from Japan, carrying a petition to resolve the dispute with 65,000 signatures that had been gathered by Koun-Rokyo. We participated in a demonstration in front of the hotel on December 1, 2008, precisely a year after the dismissals. We attempted to submit the petition to HTH but were rebuffed (later ILWU mailed it).

In this way, supporters right from the start and in the space of a short time managed to create a framework for solidarity centered on meetings, each group sending protest letters, collecting signatures for a petition to resolve the dispute, sending delegations, and creating publicity videos. Despite all this, it took four more years to reach a resolution.

#### 5 New Development in Dispute

## (1) Sun Life; Support Spreads to Canada and the Philippines

Toronto life insurer Sun Life underwrote a 25-year mortgage on HTH property worth 38 million dollars, according to an ILWU study. ILWU contacted the Canadian Labour Congress and the Ontario Federation of Labour and conducted an action at Sun Life's general shareholders' meeting on May 21, 2009. The union entered the meeting and asked about the company's position on the PBH dispute. Through the AFL-CIO, ILWU also asked union-affiliated pension funds to send request letters and requested support from the Trade Union Congress of the Philippines and the Federation of Free Workers since Sun Life has a branch office in Manila. Both these groups resolved to participate in a boycott of the hotel and demonstrated in front of Sun Life's Manila office. These efforts raised concerns at and led to an investigation by Sun Life into HTH's earnings.

## (2) Investigation Commission Report

In October 2009, the independent Investigation Commission on Labor and Management Practices at Pacific Beach Hotel, made up of ministers from local Christian churches and University of Hawaii professors, investigated and reported on industrial relations at PBH. The commission heard testimony from 38 employees, both union and non-union. The board found that management had harassed, threatened and discriminated against pro-union employees, resulting in reduced quality of service to customers. The commission proposed that for the good of society in Hawaii overall, the local community should think of a way to resolve the dispute and work towards a dispute as soon as possible.

## (3) NLRB San Francisco Regional Office Orders Relief from Unfair Labor Practices

On August 29, 2008, in response to the union's charge of unfair labor practices in February 2008, the regional director (akin to a prosecutor) of the NLRB's subregional office in Honolulu found cause for the petition. A complaint was issued and proceedings began. Hearings were held in November 2008 and February 2009. After the hearings, the NLRB issued an advisory for reconciliation. On September 30, 2009, NLRB's San Francisco Regional Office's administrative law judge found in favor of all the union's claims and issued an order for relief from unfair labor practices.

Details of Unfair Labor Practices (ULP)

[Employer ULP Facts]

• Bad faith negotiations with no intention of signing a collective agreement.

• Forceful investigation of employees regarding union support, interrogation regarding union activities and union support.

• Retraction of recognition of the union as employees' exclusive bargaining representative and refusal of collective bargaining.

- Dismissal of 7 union negotiators due to union activity.
- Unilateral change of working conditions without negotiating with the union.
- Refusal to provide information needed for negotiations.
- Threats to employees, such as dismissal of and arbitrary disciplinary action against union supporters.

[Details of Order]

- · Cease and desist from above unfair labor practices.
- Reinstate the seven negotiators and pay all lost wages going back to day of dismissal.
- Pay union costs associated with negotiations.

• Immediately recognize the union as the employees' exclusive bargaining representative and negotiate with the union in good faith.

• Retract changes to working conditions introduced unilaterally without union consent, return to previous conditions and compensate for losses.

• Provide information sought by union.

• Post a notice announcing the hotel will no longer commit unfair labor practices and will comply with the NLRB's orders.

HTH appealed the ruling to the NLRB Board in Washington, D.C.

(4) Federal District Court in Honolulu Issues Injunction

On January 7, 2010, the NLRB sued in Honolulu District Court for an injunction against PBH to

comply with its order. During the proceedings an advisory was issued for reconciliation, but since the company refused, Honolulu District Court on March 29, 2010, handed down a preliminary injunction to comply with the NLRB's orders. This meant that the NLRB's orders would remain in force until the NLRB's Board handed down its order and that failure to comply would be deemed contempt of court.

Main Details of Honolulu District Court's Injunction (and state of compliance)

• Company recognize union and negotiate in good faith.

• Return to contract talks, respect contracts concluded provisionally.

• Reinstate five employees to former positions by April 5. (They were reinstated, but one was fired again for a different reason.).

• Retract all unilateral changes to working conditions made on or after December 1, 2007 (Working conditions were returned to what they had been, but were changed again for the worse.)

• Cease all actions that obstruct and repress the execution of rights protected by labor laws.

• Post copy of the NLRB order (It was posted, but the details listed were inaccurate.).

• By April 8, gather all the employees together on company premises and, in front of a NLRB employee, read aloud the order (Vice President Robert Minicola did the reading.).

HTH appealed the order of the Honolulu District Court, but on July 13, 2011, the United States Court of Appeals for the Ninth Circuit upheld the district court's order and rejected the appeal. The company appealed to the U.S. Supreme Court, but that court rejected the appeal on March 26, 2012. Honolulu District Court also ruled on November 29, 2011, that violating the injunction would constitute contempt of court and ordered the company to pay restitution to the employee who had been fired a second time.

## (5) NLRB Board Orders Relief from Unfair Labor Practices

On June 14, 2011, NLRB's Board rejected the company's appeal, certified the affiliated companies as a single employer and handed down a relief order that was even more beneficial to labor than the NLRB Regional Office's order.

## Highlights of the NLRB Board's Order

• 12-point order to cease unfair labor practices.

• Undertake the following actions needed to enforce the National Labor Relations Act.

• Reinstate to former positions the seven negotiators without any degradation; pay restitution; and remove dismissals from their files.

• Reinstate without any degradation the employee dismissed through the 90-day probation period rule that was unilaterally instituted; pay restitution; and remove dismissal from the personal file.

• When agreement is reached with the union that has exclusive bargaining representative rights, create a signed agreement that specifies the agreement's details. Union certification will extend to twelve months after the company complies with the order.

• Reinstate all provisional collective agreements reached between the start of talks and December 1, 2007, in order to achieve good faith negotiations.

• Reinstate without degradation all employees dismissed without negotiation with the union on December 1, 2007, pay restitution and erase dismissals from files.

• Abolish the changes in working conditions introduced unilaterally between October and December 2007 and pay restitution.

• Provide the information the union request in 2007 and 2008.

• Pay the union the costs incurred from collective bargaining between the start of talks and the December

1, 2007.

- Submit records needed to calculate back wages.
- Post notice (including details of the order).
- A company executive read aloud the order in front of employees.
- Report on compliance with the order.

On the following June 15, the NLRB sued at the United States Court of Appeals for the Ninth Circuit for injunctive relief. On July 13, HTH sued to overturn the relief order, but on September 6, 2012, the court upheld the NLRB Board's relief order. HTH failed to appeal to the Supreme Court by the deadline, meaning the order had become final.

#### (6) NLRB San Francisco Regional Office Relief Order (for additional claims)

On September 13, 2011, the NLRB San Francisco Regional Office administrative law judge's relief order was handed down for the additional claims made by the union. The details included reinstating the employee who had been dismissed anew after reinstatement, permitting union organizers access to company facilities and retraction of the unilateral increase in the number of guest rooms that needed to be cleaned per day.

On November 21, 2011, Honolulu District Court handed down a provisional injunction to comply with the September 13 order.

#### (7) Support movement emerges in Japan

The support movement in Japan then began holding meetings about once every one or two months, each organization and subsidiary organization/branch sending simultaneous petitions to resolve the dispute and conveying information within their organizations as well. A PBH dispute support meeting and rally was held on December 15, 2008, to hear the report from the delegation sent to Hawaii; a PBH dispute report rally was held on October 16, 2009; another PBH dispute report rally was held on May 31, 2010 (Atty. Kunio Miyazato explained the unfair labor practices system in the U.S.); a rally to report the NLRB ruling against PBH was held on September 9, 2011 (including Atty. Miyazato who analyzed the ULP system in the U.S. and the order, ILWU International Vice President Wesley Furtado, and ILWU Local 142 Secretary-Treasurer Guy Fujimura, both of whom made speeches); and on March 7, 2012, a rally to hear reports from the delegation from Japan was held. These were timed in accordance with the orders and verdicts being handed down. In March 2010, Service Rengo beefed up its publicity campaign, printing 20,000 leaflets to distribute to all the members of the unions it had organized at travel agencies.

Between February 13 and 19, 2012, a delegation of 11 (Katsushige Mashima, six delegates from Zenkowan, Akito Taguchi of ITF's Tokyo office, Shigeru Fujiki, Taichi Hirano of Labor Now and I) went to Hawaii, participated in a protest rally on site and requested support to resolve the dispute from Hawaii Lodging and Tourism Association, Hawaii Tourism Authority, Hawaii's lieutenant governor, and Democratic Party members of the state legislature.

They also continued sending requests to travel agencies and JATA. As a result, JATA in May 2012 sent a written request to HTH to resolve the dispute. Around the same time, a local subsidiary of a Japanese travel agency also requested HTH to resolve the dispute. These actions had a powerful impact on HTH and were likely a key factor in the eventual resolution of the dispute.

#### (8) Dispute Resolution and Concluding Collective Agreements

In autumn 2012, HTH reinstated the workers who had been dismissed, in line with the preliminary

injunction issued by the court. The company was also under pressure to agree to collective bargaining. On September 6, 2012, the United States Court of Appeals for the Ninth Circuit handed down a verdict upholding the relief order given by the NLRB Board. HTH failed to appeal, making the verdict final.

On November 5, 2012, HTH notified PBH employees that "PBH management will be outsourced to Highgate Hotels LP (Highgate) on January 8, 2013, and that employees will all be transferred to that company." This notification was in line with the 60 days prior notification required when closing workplaces or laying workers off according to the Worker Adjustment and Retraining Notification Act.

Afterwards, ILWU continued negotiations now with Highgate and on December 29, came to terms on a collective agreement. The contract included a 13% wage hike over 3 years as well as terms for union shop and check-off automatic deduction of dues from wages. On January 9 and 10, 2013, PBH union members voted in favor of the contract. ILWU announced on January 14 the resolution of the dispute and the halting of the boycott. On January 28, the contract was signed, meaning the complete resolution of the dispute.

On March 4, ILWU held a *Pacific Beach Get-Together* in Honolulu. Over 60 PBH workers, ILWU executives, and other bargaining unit representatives, Filipino community members, investigation commissioners, the mayor of Honolulu, several members of the state legislature, PBH's general manager, the head of human resources and the vice president of Highgate all joined to celebrate the dispute's resolution.

From April 24 to 28, an ILWU delegation (ILWU Local 142 Secretary-Treasurer Guy Fujimura, ILWU Oahu Business Agent Karl Lindo, ILWU/PBH Bargaining Unit Representative and PBH worker Kapena Kanaiaupuni) were in Japan and visited JATA and supporting organizations. On April 26, the delegation came as guests to a rally to report on the dispute resolution. This concluded the support movement in Japan.



Union member vote on collective agreement (January 2013) ©ILWU Local 142

## **III** Achievements and Remaining Challenges of PBH Fight

1 What were the points of contention in this dispute?

The points of contention of this dispute were: whether ILWU was to be recognized as the representative union of the workers at Pacific Beach Hotel; and whether the 32 dismissed activists and workers were to be reinstated. These points of dispute were resolved through the NLRB's relief order and Honolulu District Court's preliminary injunction, which forced compliance on HTH in the spring of 2010 despite the company's appeal. After that, an important point of contention for ILWU was whether the union could win a collective agreement that included a union shop. Even with the NLRB order becoming final and HTH complying, a decertification vote a year hence was a possibility. If management renewed its offensive and used carrot and stick tactics against employees, the union might fail to gain the necessary majority support to keep the union. When I discussed strategy with ILWU executives and workers in February 2012, they made clear to me that winning a collective agreement was a crucial objective that would decide the outcome of the dispute.<sup>8</sup>

This dispute took 11 years from the start of recruiting and more than five years from the time of dismissal, but they managed to win union recognition, reinstatement of fired workers and a contract that included union shop - a complete victory.

#### 2 Corporate Reorganization Incites and Resolves Dispute

Management used corporate reorganization in this dispute. Hotel management was outsourced from the company that owned the hotel to a hotel management firm and the employees were likewise transferred over. Then, the company suddenly terminated the outsourcing contract and then re-"hired" them, discriminating against core activists during the process, in effect dismissing them. This set off the dispute. As stated above, in the end they stopped directly managing the hotel, again outsourcing the management, thereby resolving the dispute.

Both the incitement and the resolution of the dispute took place through major transformations of corporate management. Employees were subjected to the insecurity of repeated "dismissals" and "hirings." HTH used this process to in effect dismiss some employees by not "rehiring" them. Although the format is a bit different, the process is analogous to how Japan National Railways (JNR) discriminated against union activists in National Railway Workers' Union (Kokuro) through discriminatory hiring by the companies newly created after JNR was split up and privatized. The owners and managing firms of hotels often differ, so what HTH did could happen in Japan.

#### 3 Envisioned Support Strategy and Main Points that Resolved the Dispute

#### (1) Envisioned Dispute Support Strategy and Achievements

About 80% of PBH guests are from Japan, so the support strategy initially envisioned was to squeeze the hotel economically by reducing as much as possible the number of guests coming from Japan to stay at PBH, which had committed unfair labor practices and had started the labor dispute. What we did was: (1) Send information about the PBH dispute to the Service Rengo union members working at travel agencies, even if a PBH boycott by Service Rengo was impossible, and request that the union inform management of the travel agencies about the dispute; (2) convey information about the dispute to JATA and major travel agencies, as well as ask them to demand that HTH resolve the dispute and say they would reduce guests and stop doing business with them if the dispute was not settled; (3) ask Rengo and industrial unions to convey information about the dispute within their organizations and to put into effect a PBH boycott as much as possible; and (4) make videos of the dispute and distribute it broadly to the general

public.

For (1), Service Rengo printed out 20,000 flyers, distributed them to union members, and gathered signatures for a petition demanding HTH resolve the dispute. For (2), JATA disseminated information about the dispute through its overseas travel commission, and in May 2012 sent a letter to HTH requesting that the dispute be resolved. One U.S. subsidiary of a Japanese travel agency also requested that HTH resolve the dispute. For (3), Rengo and various industrial unions posted information about the dispute on their websites and newsletters. For (4), a video documentary of the dispute received about 90,000 views.

In this way, we provided over the past five years just about as much support as possible. This fit well with the fight in Hawaii and led to a complete resolution. ILWU Local 142 Secretary-Treasurer Fujimura stated that it was not one single aspect of the fight that led to resolution but the relentless series of attacks that exhausted HTH management and forced a resolution.<sup>9</sup> I agree with this analysis.

#### (2) Building a Framework to Provide Support from Japan

One concern I had when ILWU asked me to be the Japan contact person for ILWU was whether it would be possible to get Zenkowan, which is a non-Rengo union and has a mutual aid agreement with ILWU, and Rengo in the same room for support meetings. I spoke with many parties and we decided not to make a permanent support organization. Rather, we had the Tokyo office of ITF, IUF-JCC serve as links, held "consultative committee" meetings once every one or two months, consulted about how to provide support, and moved forward with each organization. The report rallies were hosted by four groups – ITF Tokyo Office, Koun-Rokyo, IUF-JCC and Rengo, making it easier to support. In effect, Zenkowan and the industrial unions under Koun-Rokyo handled the mobilization for the rallies.

As Japan contact person for ILWU, I coordinated things and handled secretariat functions as well as coordinating with ILWU in Japan. This functioned well, enabling an effective and sustainable dispute support campaign.

In the U.S., the staff at university labor centers, such as Gordon Lafer from the Oregon University Labor Center, often handles support for disputes, union organization and coordination, but this is unusual in Japan, particularly recently. This is very *very* important for making practical use of university labor research and education in actual labor movements.

#### (3) JATA and Travel Agencies

This dispute erupted in Hawaii, but some 80% of guests at the hotel are from Japan, so it was clear that Japanese travel agencies, having the power to reduce or stem the flow of guests, held the key to victory or defeat.

JATA and major travel agencies finally came to understand the dispute, after repeated requests, and helped us disseminate information to relevant parties. But without strikes and protests, without sustained major impact to the point where services could no longer be provided, these agencies would not have stopped sending customers.

We appealed to the companies' corporate social responsibility, asking them if they could do business with a company that had been found guilty by a federal government agency of unfair labor practices in violation of the National Labor Relations Act. We were late getting it going, but we held a seminar on corporate social responsibility (UN Global Compact, IS 26,000, multinational corporate guidelines, etc.) within the consultative committee. With this seminar we armed ourselves with the required logic and theory.

Meanwhile, we actively made proposals to Service Rengo, which accepted them and helped us disseminate information, by distributing leaflets to all the union members in the travel agencies in their

organization. The result of these accumulated actions was that in spring 2012 JATA sent a letter to HTH urging the company to settle the dispute and a U.S. subsidiary of a Japanese travel agency also requested that HTH resolve the dispute.

#### (4) NLRB

In the U.S. labor movement, it has long been argued that "the NLRB does not function," or "even if an order for relief from unfair labor practices is handed down many years after the fact, the movement at the workplace is finished so it has no meaning." In fact, organizing drives and disputes are increasingly happening outside the confines of the NLRB, outside the framework of the National Labor Relations Act and outside the domain of the existing labor union system. For union organizing, there is increasing use of a system called "card check," in which a majority of employees sign an authorization card to ratify a union.<sup>10</sup> Also on the rise are labor consultations and union organizing through NGOs called "worker centers."

This union, however, mounted a comeback through use of the NLRB, winning a relief order, forcing compliance with the order and reinstating fired workers. Workers maintained an axis of solidarity among those inside and outside the hotel, continued fighting relentlessly, and prevailed. Potential use of the NLRB expands when workers maintain solidarity, receive local community support, and create conditions to have impact on the company's business clients and customers,

#### (5) Workers' Tenacious Fight and Community Support

The core activists were targeted for dismissal, but workers endured this fear and persecution from management, linked those inside and outside the hotel, maintained solidarity and fought through to the end without capitulating. Many of the workers are Filipino immigrants with long years of service at the hotel, and this fact helped to bolster their solidarity. They have strong ties to the Filipino immigrant community and support from this community was effective.

Because the district court in spring 2010 gave the company a provisional injunction to comply with the NLRB order, for two years and four months after the dismissal, HTH reinstated the dismissed workers, and was put into a position where it had no recourse but to continue carrying on collective bargaining with the ILWU. This provided an advantage to the union in its subsequent fight against the company. As before, the company continued its terror tactics. However, the workers maintained solidarity with each other and were able to mount a counter-offensive at the workplace.

Hawaii is a heavily Democratic state. The workers received support for their struggle from the prounion governor, the majority of the state legislature, and the mayor of Honolulu. The President of the Hawaii Lodging and Tourism Association was also the former ILWU-friendly mayor of Honolulu, while the President of the Hawaii Tourism Authority was a teachers' union veteran. The President of the Hawaii Tourism Authority, for example, set up a meeting between the ILWU and the local office of a Japanese travel agency, in response to the requests from the ILWU and visiting delegations from Japan. A thirdparty "Investigation Commission" made up of local clergymen and professors from the University of Hawaii system carried out an investigation of PBH industrial relations, while the local community came up with a plan to resolve the dispute. The commission then released an official report proposing the prompt resolution of the dispute. HTH was of course left politically isolated.

## 4 Seeking a New International Solidarity

This is the fourth case of full-fledged support from Japan for a labor struggle against a company in the U.S., going back to the mid-1990s. The three cases before this one were the fight against

Bridgestone/Firestone, the struggle against Hotel New Otani, and the fight against Oyster Bar in 2004. Compared with earlier cases, support this time lasted longer and came in waves. In this way, we should applaud this case as a breakthrough example of international support. Forty-one consultative committee meetings were held while a petition with 65,000 signatures, protests and requests for resolution were sent in waves. Requests were sent to JATA and travel agencies. Two delegations were sent from Japan, and three ILWU delegations came to Japan.

I became the ILWU contact person in Japan. Becoming the contact person in Japan for a U.S. union is highly unusual even for international solidarity movements. Seeing the internal workings and liaising between Japanese and U.S. unions proved to be a precious experience.

How to bring a sense of reality to a labor struggle far across the sea in a way conducive to being able to support that struggle? Deciding that video was the only way to go, we went to Honolulu, conducted interviews, created a documentary of the dispute, and uploaded it to YouTube. The title *Watch This Before Staying in Hawaii!!!* may have helped, but in any case, it has received 90,000 views as of the time of this writing. As the title says, this documentary indeed became a must-see for those traveling to Hawaii or planning to stay at PBH. I believe it was effective. Video will be a must for future cases of international solidarity.

In our support for this labor struggle at PBH, we sought some way to serve as a model for international support in the future. We implemented that method.



Petition to resolve dispute with 65,000 signatures from Japan, and Rhandy Villanueva who had been dismissed (December 2008) ©ILWU Local 142

## Conclusion

Five years was a very *very* long time even for us on the supporting side. The members of the consultative committee meetings changed as the personnel and executives of the organizations to which they belonged changed. But we continued our efforts relentlessly, in waves while building a mutual relationship of trust. ILWU applied pressure on HTH with the struggle of the workers as the foundation, while the workers themselves fought to the end while receiving encouragement from Japan. The result was a victorious resolution and a collective agreement that will sustain industrial relations into the future. This was truly a delightful victory. I urge all readers to stay at Pacific Beach Hotel, which is now a union hotel.

Today as globalization and multinationalization of corporations advances, we will continue to see disputes erupt at various companies, meaning international support and solidarity will be essential. Let's advance the international solidarity movement by making use of the lessons and the experience of this dispute.

## Notes

<sup>2</sup> The company purchased PBH in 1970.

<sup>3</sup> This means ILWU was recognized as the exclusive bargaining representative in negotiations with PBH.

<sup>4</sup> April 26, 2013 hearing with Guy Fujimura, secretary-treasurer of ILWU Local 142, to whom the company suddenly announced the termination of the outsourcing contract just as contract talks had begun to make progress.

<sup>5</sup> Employment-at-will is a job that can be terminated at any time. Just as the employee can resign at will, the employer may dismiss the employee freely.

<sup>6</sup> The account thus far was based on the February 16, 2008, and March 20, 2008, *Pacific Beach Hotel Boycott: Background and Factsheet* by Gordon Lafer.

<sup>7</sup> Lafer says he was advised by UCLA Labor Center's Kent Wong to contact me.

<sup>8</sup> When visiting as part of a delegation from Japan in February 2012, we discussed dispute strategy with ILWU case officers and PBH activists. They stated that they had resolved the problems of union certification and reinstatement through orders by the NLRB so the biggest current problem was to obtain a collective agreement that included union shop clauses.

<sup>9</sup> Statements during a hearing on April 24, 2013, and a meeting on April 26, 2013.

<sup>10</sup> The NLRB will, under current law, certify a union if the employer recognizes the representative rights of a union that collects authorization cards from a majority of employees ("card-check"). If the employer refuses, then the certification election proceeds as usual under NLRB oversight. The Employee Free Choice Act is a bill would make the card-check method obligatory in the event that a union seeks representative rights via that method. The Congress raised the bill, but it failed to pass due to Republican Party opposition.

<sup>&</sup>lt;sup>1</sup> The address is 2490 Kalakaua Avenue, Honolulu, Hawaii, 96815, USA

# Dispute Chronology: With Focus on Support from Japan

January 2002	Union organizing drive begins at Pacific Beach Hotel (PBH).
August 2005	National Labor Relations Board (NLRB) certifies ILWU Local 142 as the sole
8	bargaining unit for PBH.
January 2007	HTH outsources PBH management and transfers all PBH employees to PBH
	Management, a subsidiary of Outrigger Resorts.
December 1, 2007	HTH terminates the outsourcing contract, reverts to direct management of PBH,
, , , , , , , , , , , , , , , , , , ,	selectively "hires" back the transferred employees, rejecting 32, including union
	activists, effectively firing them.
Early December 2007	Justice at the Beach, a Hawaiian support group, launches a campaign to boycott
<i>J</i>	the hotel.
January 12, 2008	Gordon Lafer, the coordinator for support of the PBH dispute, asks Hirohiko
<b>v</b>	Takasu, Research Education Center for Fair Labor at Hitotsubashi University, to
	help build a framework of support in Japan. Thereafter, Takasu becomes the
	Japan contact person for the ILWU in Japan in charge of coordinating support
	for the fight in Japan.
February 2008	ILWU petitions the NLRB for relief from unfair labor practices.
February 15, 2008	AFL-CIO decides to support the PBH boycott.
February 26, 2008	International Affairs Department of the AFL-CIO requests its counterpart in
1 001 dai j =0, 2000	Rengo for support.
March 10, 2008	First PBH dispute support meeting, attended by Tokyo office of ITF, Rengo's
	Department of International Affairs, Koun-Rokyo, IUF-JCC, Zenkoku Kowan,
	Zenkowan, ILWU contact person, Labor Now.
March 15, 2008	Rengo President Takagi receives a request for support by fax from AFL-CIO
1.1 <b>u</b>	President Sweeney.
March 28, 2008	Request to Japan Association of Travel Agents (JATA).
March 31, 2008	Second PBH dispute support meeting, with Service Rengo joining attendees
	from the first meeting. Meetings continue with the same participants.
April 10-11, 2008	IUF-HRCT subcommittee adopts a declaration of solidarity.
April 14, 2008	In Honolulu, ILWU Local 142 representative meets JATA deputy section chief
11pm 14, 2000	for Hawaii who had attended the Japan-Hawaii Tourism Council held that day
	and the next day.
April 17, 2008	Demonstration in front of Yurakucho Marion Building (Tokyo office of ITF,
	Koun-Rokyo and others). The same day, Rengo decides to support the PBH
	fight and to boycott the hotel. Around the same time, Japanese Council of
	Transport Workers' Unions (Koun-Rokyo), Japan Coordinating Council of
	International Union of Food, Agriculture, Hotel, Restaurant, Catering, Tobacco
	and Allied Workers' Associations (IUF-JCC), Japan Federation of Service &
	Tourism Industry Workers' Unions (Service Rengo), All Japan Dockworkers'
	Union (Zenkowan), and National Federation of Dockworker Unions of Japan
	(Zenkoku Kowan) also decided on support.
April 21, 2008	Koun-Rokyo and its subsidiary organization send protests simultaneously to
1 spin 21, 2000	HTH. Other organizations that have decided to support the fight also send
	protests around the same time.
April 22, 2008	ILWU sends fax news to major travel agencies in Japan.
May 5-10, 2008	Takasu and Aono visit Honolulu, discuss strategy of dispute support with ILWU
191ay J-10, 2000	and produce video about dispute.
May 17, 2008	Email protect campaign begins at Labor Start.
111ay 17, 2000	Eman protest campaign begins at Labor Start.

May 19, 2008	Third PBH dispute support meeting.
May 19, 2008	Request to JATA.
June 23, 2008	Fourth PBH dispute support meeting.
July 6-10, 2008	ILWU delegation (Local 142 Secretary-Treasurer Guy Fujimura and PBH
July 0-10, 2008	dismissee Virginia Recaido) visits JATA, Japan Travel Bureau (JTB), Nippon
	Travel Agency, Kinki Nippon Tourist, and organizations supporting the fight.
July 7, 2008	Fifth PBH dispute support meeting, about 100 participate in rally of those
July 7, 2008	supporting PBH workers held by ITF Tokyo office, Koun-Rokyo, IUF-JCC, and
	Rengo.
July 9, 2008	Labor Now holds networking event for PBH workers.
July 25, 2008	Koun-Rokyo launches dispute resolution petition drive.
August 25, 2008	Sixth PBH dispute support meeting.
August 23, 2008	Takasu receives a protest and warning addressed personally to him from HTH's
August 27, 2000	lawyer.
October 3, 2008	Seventh PBH dispute support meeting.
November 10, 2008	Eighth PBH dispute support meeting.
November 10, 2008	Delegation (Wada, Fujiki, Ito, Aono and Takasu) goes to Hawaii.
December 4, 2008	Deregation (waua, 1 ujiki, 10, Aono and 1 akasu) goes to mawan.
December 1, 2008	Protest rally in front of PBH; demonstrators attempted to hand the dispute
	resolution petition with the 65,403 signatures collected by Koun-Rokyo to hotel
	management but PBH refused. It was mailed by post later.
December 15, 2008	Ninth PBH dispute support meeting, rally held to hear the report from the Japan
	delegation to Hawaii (29 participated).
February 2, 2009	Tenth PBH dispute support meeting.
March 30, 2009	Eleventh PBH dispute support meeting.
April 30 to May 1, 2009	Rengo and AFL-CIO regular talks in Washington, DC.
May 21, 2009	Canadian Labour Congress and Ontario Federation of Labour take action in
	front of the general shareholders meeting of Sun Life, the Toronto life insurance
	firm that underwrote HTH properties, and asked the company to help resolve
	the dispute.
June 5, 2009	Twelfth PBH dispute support meeting.
July 30, 2009	Thirteenth PBH dispute support meeting.
August 20, 2009	Trade Union Congress of the Philippines (TUCP), Federation of Free Workers
	(FFW), and Alliance of Independent Hotel and Restaurant Workers Unions
	(AIHRWU) hold an action in front of Sun Life's Manila branch.
August 31, 2009	Fourteenth PBH dispute support meeting.
September 30, 2009	NLRB San Francisco Regional Office hands down order in favor of the union,
	HTH appeals.
October 2, 2009	Fifteenth PBH dispute support meeting.
October 15, 2009	Third-party Investigation Commission on Labor and Management Practices at
	Pacific Beach Hotel releases report on PBH.
October 16, 2009	Forty-five participate in rally to hear report on PBH dispute.
October 29, 2009	Request to JATA and JTB.
November 10, 2009	Sixteenth PBH dispute support meeting.
<b>December 1, 2009</b>	Koun-Rokyo and subsidiary organizations send fax requests to HTH to mark
	two years since dismissals.
December 17, 2009	Seventeenth PBH dispute support meeting.
February 15, 2010	Eighteenth PBH dispute support meeting.
March 2010	Service Rengo distributes 20,000 leaflets to all the members of its individual member unions.

Manah 20, 2010	Federal District Court in Hencluly and an UTH to comply with MDD and an
March 29, 2010	Federal District Court in Honolulu orders HTH to comply with NLRB order
	(including reinstating five members) until a final ruling, HTH complies but
Amuil 15, 2010	appeals.
April 15, 2010	Nineteenth PBH dispute support meeting.
April 28, 2010	Request to JATA, twentieth PBH dispute support meeting.
May 31, 2010	Twenty-first PBH dispute support meeting.
May 31, 2010	Fifty-three attend rally to hear report on PBH dispute (Atty. Kunio Miyazato speaks).
July 28, 2010	One member who had been reinstated by NLRB order is fired anew.
July 29, 2010	Twenty-second PBH dispute support meeting.
September 27, 2010	Twenty-third PBH dispute support meeting.
November 15, 2010	Date of protest letters simultaneously sent by 24 support organizations to HTH.
December 7, 2010	Twenty-fourth PBH dispute support meeting.
February 8, 2011	Twenty-fifth PBH dispute support meeting.
May 16, 2011	Twenty-sixth PBH dispute support meeting.
June 14, 2011	NLRB Board hands down order. HTH asks US Court of Appeals for the Ninth
,	Circuit to overturn the order.
June 15, 2011	NLRB asks US Court of Appeals for the Ninth Circuit to uphold the order for
,	relief.
July 25, 2011	Twenty-seventh PBH dispute support meeting.
August 31, 2011	Twenty-eighth PBH dispute support meeting.
September 9, 2011	Twenty-ninth PBH dispute support meeting, 96 join a rally to hear report on the
1 /	NLRB ruling against PBH (including Atty. Miyazato who analyzes the order,
	ILWU International Vice President Wesley Furtado, and ILWU Local 142
	Secretary-Treasurer Guy Fujimura).
September 13, 2011	NLRB San Francisco Regional Office hands down ruling favoring the union on
-	additional petitions.
October 13, 2011	Thirtieth PBH dispute support meeting.
October 2011	A total of 78 organizations send letters requesting resolution of the dispute.
November 21, 2011	Federal District Court in Honolulu hands down a preliminary injunction dated
	September 13 to comply with NLRB Regional Office order.
November 29, 2011	Federal District Court in Honolulu finds violation of March 29, 2010,
	preliminary injunction to be contempt of court.
December 12, 2011	Thirty-first PBH dispute support meeting.
January 30, 2012	Thirty-second PBH dispute support meeting.
February 13-19, 2012	Eleven-member delegation from Japan to Hawaii (Katsushige Majima and five
	others from Zenkowan, Akito Taguchi, Shigeru Fujiki, Labor Now
	videographer Taichi Hirano, and Hirohiko Takasu) participate in demonstration
	in front of PBH and in request for help to Hawaii Lodging and Tourism
	Association, Hawaii Tourism Authority, the state's lieutenant governor, and
	Democratic Party members of the state legislature.
March 7, 2012	Thirty-third PBH dispute support meeting, fifty-four attend a rally to hear report
	of the delegation from Japan.
March 26, 2012	U.S. Supreme Court rejects HTH's appeal to overturn Honolulu District Court's
	preliminary injunction.
April 11, 2012	Thirty-fourth PBH dispute support meeting, JATA request.
May 15, 2012	Thirty-fifth PBH dispute support meeting.
May 15, 2012	JATA sends message urging HTH to resolve dispute.
Around the same time	Local subsidiaries of Japanese travel agencies urge HTH to resolve the dispute.
ATOUNU INC SAME UME	Local subsidiaries of sapanese travel agenetes trige fiffit to resolve the dispute.

July 4, 2012	Thirty-sixth PBH dispute support meeting, study session on corporate social
	responsibility.
September 6, 2012	Thirty-seventh PBH dispute support meeting.
September 6, 2012	US Court of Appeals for the Ninth Circuit support the district court's verdict
	and upholds the NLRB Board's relief order. Since HTH does not appeal to the
	US Supreme Court, the verdict becomes final.
November 5, 2012	HTH announces to PBH employees that "PBH management will be outsourced
	to Highgate Hotels on January 8, 2013, and that employees will all be
	transferred to that company."
November 6, 2012	ITF tourism subcommittee general meeting decides to support the union in its
,	dispute.
	-
November 26, 2012	Thirty-eighth PBH dispute support meeting
December 29, 2012	Highgate and ILWU agree to terms for a collective agreement (including union
	shop).
<b>January 9 and 10, 2013</b>	PBH union members vote to ratify the collective agreement.
January 14, 2013	Announcement of dispute resolution and end of boycott.
January 28, 2013	Collective agreement signed.
February 18, 2013	Thirty-ninth PBH dispute support meeting.
March 4, 2013	Pacific Beach Get-Together held in Honolulu to report resolution.
March 7, 2013	Rengo reports to its central executive committee on the resolution and to end the
,	boycott.
April 3, 2013	Fortieth PBH dispute support meeting.
April 24 – 28, 2013	ILWU delegation (ILWU Local 142 Secretary-Treasurer Guy Fujimura, ILWU
<b>F</b>	Oahu Division Business Agent Karl Lindo, and ILWU/PBH bargaining unit
	representative Kapena Kanaiaupuni) visits JATA and supporting organizations
	in Japan.
	-
April 26, 2013	Forty-first PBH dispute support meeting, 43 join a rally to hear report on
	dispute resolution.

## **PBH Dispute Support Group**

ITF Tokyo Office: Katsuji Taki, Akito Taguchi (predecessors were Yuji Iijima, Shigeru Wada, Eiko Furukawa, and Junko Honma)

IUF-JCC: Nobuhiro Nakata (predecessor was Tomoji Misato)

Rengo's Department of International Affairs: Koji Suzuki, Hiroshi Takizawa (predecessors were Masayuki Shiota and Takahito Katayama)

Service Rengo: Junji Mise (predecessors were Tetsuya Oki and Yuichi Sugisaki)

Zenkoku Kowan: ITF Inspector Shigeru Fujiki

Zenkowan: Akinobu Ito, Katsushige Mashima (predecessor was Shosaku Machida)

ILWU Japan Contact Person: Hirohiko Takasu (Labor Now; Research and Education Center for Fair Labor, Graduate School of Social Sciences, Hitotsubashi University)

## Video

• Emiko Aono (Labor Now) – videotaping, editing. She produced the video documentary *Watch This Before Staying in Hawaii!!! (Part 1)* (4 min., 35 sec.), which as of June 29, 2008, had received about 90,000 views. <u>http://youtu.be/aagzO4EAxvc</u>

• Emiko Aono (Labor Now) – videotaping, editing. She produced the video documentary *Watch This Before Staying in Hawaii!!! (Part 2)* (7 min., 51 sec.), which as of January 25, 2009, had received about 10,000 views. <u>http://youtu.be/dD-ccOa0Tnk</u>

• ILWU production, Japanese language version of *Pacific Beach Hotel Ordered to Reinstated Fired Workers* (7 min., 24 sec.), which as of May 29, 2012, had received about 2,000 views. http://youtu.be/Vg\_3c5mZtTw

• Taichi Hirano (Labor Now) produced and edited the video entitled *After Ten Years of Fighting Pacific Beach Hotel* (10 min., 39 sec.), which as of March 31, 2012, had received about 400 views.

http://youtu.be/bvBckEOS4BU

(Currently, all the above videos can be seen on YouTube.)

Japanese site for boycott campaign: http://supportPBHworkers.blogspot.jp/