

## **Testimony of Ivo Camilo in support of the Employee Free Choice Act**

**Feb. 8, 2005**

Hello everyone. Thank you for giving me the opportunity to be here. My name is Ivo Camilo. I worked as an electronic machine operator at the Blue Diamond Growers plant in Sacramento, California for 35 years. That is the largest almond processing plant in the world.

In October 2004, I started working with a group of co-workers who were organizing to join the International Longshore and Warehouse Union. It has been my experience that as workers of Blue Diamond Growers we have no voice in terms of policy change and no job security. We are employees at will and we have no guarantees.

In March 2005, we went public with our demand to gain a voice and respect on the job. In April we gave management a letter with the names of 58 co-workers who agreed to be part of an organizing committee. We told them we knew our rights under the National Labor Relations Act—and we expected those rights to be respected. We got together and delivered that letter April 15. Less than a week later I was fired. This is how it happened:

On April 18, at 12 pm, while working in the manufacturing department, the scales were overflowing and I went to fix the problem. In the process, one of the scales scratched my left hand. It produced a 1/8" cut. Management accused me of "willfully contaminating the almonds" and on April 20th at 2 p.m. two supervisors

escorted me out of the building. I was suspended pending investigation. I was asked to surrender my badge, I thanked the company for the 35 years that I had worked with them, and left the property.

A day later, on April 21, I was terminated. My direct supervisor, Ron Lees, told me he had found blood on the almonds. (Under oath, Lees would later deny this.) Another person working with me said she saw the blood but did not report it. By company rules, she should have been disciplined too, but she wasn't.

On April 28, a week after Blue Diamond fired me, management asked the National Labor Relations Board to hold an election at the plant. The company twisted the facts and exploited an anti-labor section of the law. It claimed that the rally we had when we delivered our letter April 15 was really a "picket for recognition," so we should be forced to vote.

We knew they didn't really care about our right to decide. Management had been campaigning against the union since December 2004, long before I got fired, long before we even went public. They had put out more than 30 anti-union flyers. In group captive audience meetings and one-on-one talks, company officials and supervisors threatened that we could lose our pensions and other benefits if the union came in. They threatened that the plant would close. Do you think we would have had a free choice if we voted then? I think not.

Blue Diamond kept the heat on. They fired two other co-workers in June 2005. The union filed unfair labor practice charges. After a complete investigation, the

NLRB issued complaints on more than two dozen charges, then held a four-day hearing in December 2005. Both sides had the opportunity to present evidence. In March 2006, NLRB Administrative Law Judge Jay R. Pollack found Blue Diamond guilty of more than 20 labor law violations. He ordered the company to re-hire me and one of my co-workers. Blue Diamond's violations were so severe the company, called a 10(j) injunction.

This injunction would have allowed the Board to ask a federal court to immediately enforce Judge Pollack's order, even if Blue Diamond appealed his ruling. 10(j) injunctions are rare and hard to get. The Board saves them for the worst of labor law violators. The regional NLRB office in San Francisco had to ask the General Counsel's office in Washington, D.C. for permission to seek the injunction. The General Counsel had only approved 10(j)s in 70 cases since June 2001.

The hearing on the 10(j) was set for May 5, 2006. Blue Diamond did not have to go to court, because at the last minute it decided not to appeal and to obey Judge Pollack's order. My co-worker Mike Flores and I returned to work on April 24, 2006—but the company never admitted wrongdoing.

Blue Diamond Growers did not stop its anti-union campaign after the first charges were filed. They continued to spread fear and threats and in September 2005 they fired another co-worker who supported the union. Even after they were found guilty and had to re-hire me and a co-worker, they fired another union supporter. The Board just finished a second four-day hearing on the new firings.

Getting a union shouldn't be so hard. We shouldn't have to pay such a high price in hardship when our employers break the law. The Employee Free Choice Act would increase the penalties so employers would have to think hard about firing union supporters—and it would help people fired during organizing drives get back to work sooner.

After losing my job, I felt angry and betrayed. I was insulted by the way company supervisors escorted me out. I was sad, because of all the friends that I made that I left behind.

But I also learned that I would do it all over again. I would join the organizing committee, attend meetings, and speak with my co-workers about the need for health coverage, better wages, and better conditions at work. I learned that I deserve respect and recognition for my work. I learned that I believe in justice and in equality. And that as a member of my community I matter, and my family and my co-workers matter as well.

After being back at work for about six weeks, I decided to retire, but I have stayed active in the union effort, because I care about my co-workers and I care about justice.