

# Ahold

## An unresolved CSR issue in 2011



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**SOMO**

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## Colophon

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**Author:** SOMO  
**Cover Design:** Annelies Vlasblom  
**Text correction:** Elise Reynolds  
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Sarphatistraat 30  
1018 GL Amsterdam  
The Netherlands  
Phone: + 31 (20) 6391291  
E-mail: [info@somo.nl](mailto:info@somo.nl)  
Website: [www.somo.nl](http://www.somo.nl)

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## Introduction

This company profile has been written by SOMO (Centre for Research on Multinational Corporations) and provides an analysis of one particular unresolved corporate social responsibility issue that occurred in and was addressed in 2011. In the context of the upcoming annual general meeting (AGM) of shareholders for Ahold, this document aims to provide additional information to shareholders and other stakeholders of Ahold regarding the company's CSR performance. The analysis of this issue can be used to identify areas of the company's corporate responsibility policies and practices that need improvement and to reach a more informed assessment of the company's corporate responsibility performance.

The corporate responsibility issue included in this paper is broadly diagnosed on the basis of issues and principles that are present in global normative standards for responsible business behaviour, such as the OECD Guidelines for Multinational Enterprises. Rather than an exhaustive analysis of Ahold's corporate responsibility policies, operational aspects of corporate responsibility management, implementation systems, reporting and transparency, or total performance on any issue, this document focuses on one particular corporate-responsibility-related topic that we believe merits further attention or reflection. Ahold's positive sustainability achievements in 2011 are not addressed in detail here.

The research methodology for this overview primarily involved desk research methods, relying on information from SOMO's global network of civil society organisations, the company's own website and publications, media reports, and company information databases. All sources are cited in footnotes in the text. As per SOMO's standard research methodology, Ahold was informed about the research in advance and was given two weeks to review a draft report and provide comments and corrections of any factual errors in the draft version prior to publication.

This company profile is part of a joint project of SOMO and the VBDO (*Vereniging van Beleggers voor Duurzame Ontwikkeling* - Dutch Association of Investors for Sustainable Development).

### **About SOMO**

SOMO is an independent, non-profit research and network organisation working on social, ecological and economic issues related to sustainable development. Since 1973, the organisation investigates multinational corporations and the consequences of their activities for people and the environment around the world. SOMO supports social organisations by providing training, coordinating networks and generating and disseminating knowledge on multinational corporations in a context of international production, trade, financing and regulation.

# Anti-Union Practices at Ahold USA

## Summary

International supermarket group Ahold has set itself high ethical standards and declares it will comply with international labour standards, including the Global Reporting Initiative and the United Nations Global Compact initiative.<sup>1</sup> Nevertheless, in Ahold's Giant Carlisle division, a U.S.-based subsidiary of the group, continuous aggressive efforts are being made to discourage workers from joining a union. Also, Ahold management refuses to meet with union leaders wishing to represent Giant Carlisle workers. Although these practices conflict with international standards and Ahold's internal policies, Ahold management fails to address this issue.

## Context

By the end of 2011, Ahold operated a total of 3,008 stores<sup>2</sup>, 756 of which are located in the U.S.A.<sup>3</sup> U.S. sales amounted to € 18,026 million in 2011,<sup>4</sup> which represented 59.6% of all Ahold Group sales.<sup>5</sup> In that same year, 117,000 people were employed at Ahold U.S.<sup>6</sup> Of these employees, 70,000 are represented by the United Food and Commercial Workers International Union (UFCW)<sup>7</sup>.

Within Ahold U.S.A., subsidiary Giant Carlisle supermarket chain operates 181 grocery stores<sup>8</sup> in various states under the names Giant Food Stores and Martin's Food Markets.

## Controversy: 2010

In 2011, SOMO reported about anti-union activities taking place at Martin's Food Markets and at higher management levels at Giant Carlisle in 2010.<sup>9</sup> The aggressive approach of store managers as well as high-ranking Giant Carlisle executives included intimidation of union workers and sending anti-union letters to employees.

The following issues were described in the 2011 SOMO report:

- ❑ Martin's store managers held orientation meetings with their employees. At those meetings, managers devoted a significant amount of time to articulate that the supermarket desired to remain 'union free' and that joining a trade union would not be in the employees' interest. In April 2011 an Ahold spokesperson stated that *'It's unfortunate that union activities are disrupting the shopping experience for customers. Martin's is a union-free chain committed to providing*

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<sup>1</sup> Ahold 2011 Corporate Responsibility Report, p.56

<sup>2</sup> Ahold 2011 Annual Report, p.2

<sup>3</sup> Ahold 2011 Annual Report, p.26

<sup>4</sup> Ahold 2011 Annual Report, p.4

<sup>5</sup> Ahold 2011 Annual Report, p.32

<sup>6</sup> Ahold 2011 Annual Report, p.32

<sup>7</sup> Website UFCW, viewed 23 February 2012. <http://aholdatrisk.org/about/>

<sup>8</sup> Ahold 2011 Annual Report, p.35

<sup>9</sup> SOMO report *Ahold. Overview of controversial business practices in 2010*. April 2011. [www.somo.nl/publications-en/Publication\\_3650/at\\_download/fullfile](http://www.somo.nl/publications-en/Publication_3650/at_download/fullfile)

*the best working environment for our associates — one that allows us to communicate directly without the interference of an outside third party.*<sup>10</sup>

- The company's higher management started sending out letters<sup>11</sup> to Martin's employees highlighting the disadvantages of being unionised, stating that unionisation can hurt the employees' job security and that unionisation could lead to losing customers as Martin's would become less competitive. Signatories of these letters were Rick Herring, Division President of Giant-Carlisle and Jim Scanlon, Regional Vice President of Martin's. The letters included the following statements:
  - *Signing a union card is not in your best interest*
  - *Don't sign a Union Authorization Card!*
  - *As a result of good-faith negotiations between a union and a company, union members could end up with less.*
  - *Can the union hurt job security? Yes, it can. If Martin's becomes uncompetitive due to a contract with the union or if the union calls a strike, we could lose our customers to other companies.*
- When Ahold acquired 25 stores in 2010, Ahold decided to bring these new Martin's stores under the Giant-Carlisle division, despite the fact that the distribution centres of Giant-Landover, Ahold's other division in the region, are geographically closer to the company's new stores in Richmond.<sup>12</sup> The UFCW suspects that the reason for this is that Ahold's Giant-Carlisle division does not have a strong unionised employee base; hence the company can prevent (further) unionisation or the facilitation thereof at the Martin's stores.<sup>13</sup>

## Controversy: 2011

Since publication of the 2011 report, the situation has not improved.

### *Anti-Union Letters to Employees*

Like in 2010, Giant/Martin's continues to distribute anti-union letters and leaflets to its employees.<sup>14</sup>

*Anti-Union Statements in Employees' Handbook* The Giant Carlisle handbook for employees, which all new employees are asked to sign, clearly states in some paragraphs that Giant Carlisle wishes to remain 'union-free'. 'Feel free to ask your supervisor or manager for the real facts', the handbook explains. 'If a union representative ever approaches you, don't necessarily assume that what you are told is true.'<sup>15</sup>

### *Ahold's Refusal to Engage in Conversation with Workers' Representatives*

Giant Carlisle workers attended the 2011 Ahold shareholders' meeting to confront the board of directors with the reality of non-unionisation practices in the USA,<sup>16</sup> and the UFCW has taken further

<sup>10</sup> Louis Llovio, 'Union trying to organize Martin's workers', *Richmond Times-Dispatch*, 9 February 2011, <http://www2.timesdispatch.com/business/2011/feb/09/TDBIZ01-union-trying-to-organize-martins-workers-ar-829738/> (08/04/2011)

<sup>11</sup> See letter of November 2, 2010 (viewed 27 February 2012) [http://aholdatrisk.files.wordpress.com/2012/02/martins\\_leaflet\\_mtg\\_notice\\_2010-11-02.pdf](http://aholdatrisk.files.wordpress.com/2012/02/martins_leaflet_mtg_notice_2010-11-02.pdf) , or of October 12, 2010 (viewed 27 February 2012) [http://aholdatrisk.files.wordpress.com/2012/02/martins\\_herring\\_scanlon\\_ltr\\_1\\_2010-10-12.pdf](http://aholdatrisk.files.wordpress.com/2012/02/martins_herring_scanlon_ltr_1_2010-10-12.pdf)

<sup>12</sup> 'Ahold Completes Ukrop's Purchase; Stores to Take Martin's Banner', Supermarket News website, 8 February 2010, [http://supermarketnews.com/news/ahold\\_ukrops\\_0208/](http://supermarketnews.com/news/ahold_ukrops_0208/) (24/02/2011)

<sup>13</sup> Here it should be mentioned that the way trade unions can effectively reach out to the stores' employees is through the network of (unionised) distribution centres (DCs). This is why stores which belong to un-unionised DCs have more difficulty with unionisation than stores under unionised DCs.

<sup>14</sup> 2010 and 2011 Anti-union letters can be downloaded from <http://aholdatrisk.org/anti-union-activity/> . Viewed 10 May 2012.

<sup>15</sup> Associate Handbook, Giant Food Stores, Martin's Food Stores, Owned and Operated by Ahold. p.16

<sup>16</sup> See website <http://aholdatrisk.org/ihold-campaign/> , viewed 19 March 2012, video 'A Journey Through Amsterdam'

action to ensure Ahold's highest management levels are made aware of the persisting problems at Giant Carlisle. However, despite their continued efforts to discuss the issue, the concerns of workers and their union were not addressed adequately by Ahold's Corporate Executive Board and Giant Carlisle's executive leadership. After Ahold worker Shaquana Battle expressed her concerns at the Ahold Annual General Meeting<sup>17</sup> in April, 2011, CEO Dick Boer simply replied by saying "we abide by the law in allowing employees to form a union or an association," leaving the real concerns of his employees unaddressed. During as well as after the 2011 AGM, the Corporate Executive Board has refused to enter into a meaningful discussion with employees and unionists concerned.

In September 2011, the UFCW published a report entitled *Recent Denials of Labor Rights at Ahold USA.*, in which the union describes how Ahold refuses to accept UFCW's request for a meeting with Ahold's Corporate Executive Board. The report describes that the Board does not reply to a letter by UFCW's Executive Vice President, Patrick O'Neill, asking for a meeting with the Corporate Executive Board.<sup>18</sup> Instead, Ahold U.S.A. replies to the letter. Meeting with the Corporate Executive Board or with leadership of Ahold USA is not an option. In line with Ahold's Corporate Executive Board, Ahold USA writes that the Ahold U.S. divisions 'strive[s] to ensure that all of their communications and actions are consistent with the National Labour Relations Act and the state laws that apply'.<sup>19</sup>

The report continues to explain that Giant Carlisle's District Director of Human Resources refuses to discuss the issue with UFCW. When UFCW representatives and Ahold USA employees visit 70 Giant Carlisle stores in August 2011 and politely ask managers to be given a moment to discreetly talk to employees, all store managers deny them access to the workplace. At various locations, management threaten to call the police – a threat which is carried out on one occasion.<sup>20, 21</sup>

#### *Anti-Union Activities Become Anti-Union Policies*

In its 2011 Corporate Responsibility Report, Ahold attempts to justify the anti-union activities of Giant Carlisle by explaining its practices.<sup>22</sup> By doing so, these become formalised as part of Ahold policy, and the company thereby accepts a lower ethical standard as a concession to its American subsidiary.

#### *Ahold's Defense*

It is in her July 2011 letter<sup>23</sup>, that Gail Goolkasian of Ahold USA formulates Ahold's formal defense against accusations of anti-union activities. She writes: 'To date, no group of employees at the

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<sup>17</sup> See website <http://aholdatrisk.org/ihold-campaign/>, viewed 19 March 2012, video 'A Journey Through Amsterdam'

<sup>18</sup> Letter of June 8, 2011. Patrick O'Neill, Executive Vice President, Director of Organizing, UFCW, to Lodewijk Hijmans van den Bergh, Executive Vice President and Chief Corporate Governance Counsel, Ahold. [http://aholdatrisk.files.wordpress.com/2011/06/letter\\_oneill\\_bergh\\_2011-06-08.pdf](http://aholdatrisk.files.wordpress.com/2011/06/letter_oneill_bergh_2011-06-08.pdf), viewed 15 March 2012.

<sup>19</sup> Letter of July 8, 2011. Gail Goolkasian, Vice President, Employment, Labor and Benefits Law, Ahold USA, to Patrick O'Neill of UFCW. [http://aholdatrisk.files.wordpress.com/2011/07/ahold\\_usa\\_response\\_oneill\\_2011\\_07\\_08.pdf](http://aholdatrisk.files.wordpress.com/2011/07/ahold_usa_response_oneill_2011_07_08.pdf), viewed 15 March 2012.

<sup>20</sup> UFCW report, September 2011. *Recent Denials of Labor Rights at Ahold USA. A Report by UFCW Capital Stewardship Program.* [http://aholdatrisk.files.wordpress.com/2011/10/ahold\\_denies\\_us\\_employees\\_sept\\_2011.pdf](http://aholdatrisk.files.wordpress.com/2011/10/ahold_denies_us_employees_sept_2011.pdf)

<sup>21</sup> This was confirmed by Giant Carlisle employees Kayla Mock and Waqas Ahmad, in the iholdcampaign video "Waqas and Kayla escorted out of a Martin's store by Police". <http://aholdatrisk.org/anti-union-activity/>, viewed 19 March 2012

<sup>22</sup> 'Ahold USA's divisions (Giant Carlisle, Giant Landover, Stop & Shop New England, and Stop & Shop New York Metro) currently have a total of 78,000 employees represented by unions. When taken together, this makes them one of the five largest unionized employee populations in U.S. food retail. Each of the divisions strives to have positive and cooperative relations with the unions that represent its employees. During the past couple of years, there have been union-organizing efforts in the Giant Carlisle division. In compliance with U.S. labor law, Giant Carlisle has provided employees with information about unionization, including its preference to work directly with employees.' From: Ahold Corporate Responsibility Report 2011, p.44

<sup>23</sup> Letter of July 8, 2011. Gail Goolkasian, Vice President, Employment, Labor and Benefits Law, Ahold USA, to Patrick O'Neill of UFCW. [http://aholdatrisk.files.wordpress.com/2011/07/ahold\\_usa\\_response\\_oneill\\_2011\\_07\\_08.pdf](http://aholdatrisk.files.wordpress.com/2011/07/ahold_usa_response_oneill_2011_07_08.pdf), viewed 15 March 2012.

Martin's stores has petitioned the National Labour Relations Board for an election to determine union representation.<sup>24</sup> She thus refers to the official procedure upon which unionisation is realised in the US. Herewith, she implicitly completes Ahold argumentation: Ahold abides by the law, Ahold does respect workers' rights to join or form a union, and if Ahold employees at Martin's Food Stores do not follow the US rules and regulations for unionisation, then Ahold management cannot be held responsible.

This argumentation overlooks two aspects of the discussion: first, that abiding by the US laws is not equal to responsible entrepreneurship as it is described in the international agreements which Ahold claims to adhere to. Second, Ahold ignores the vulnerable position of American employees and the powerful role Martin's Food Stores have in the lives of employees. Ahold thus abuses its position, as friendly yet serious, repeated messages about non-unionisation can intimidate its employees, resulting in employees in refraining from taking unionisation initiatives.

## Role of Ahold

Until today, the impasse continues: Ahold Group and Ahold U.S.A. officially claim to respect workers' rights to form or join unions, but in practice, not a single step is made to support these claims. Ahold states it respects workers' rights, but does not leave its employees sufficient space to claim these rights.

Company leaders at every level - from the Corporate Executive Board to store managers - ignore internationally recognised standards and principles.

From the lowest levels (Martin's Food Markets stores), to medium management levels (at Giant Carlisle's division headquarters and Ahold U.S.A.) and up to the highest management levels (Ahold Corporate Executive Board), the requests of workers' representatives are not addressed adequately. At lower levels, workers and their representatives are even intimidated. At all levels, various international standards as well as all official company policies are violated.

## Normative standards not maintained

Ahold is not upholding workers' fundamental rights by allowing Martin's Food Stores to use intimidating techniques in order to stay union-free, by preventing unionised employees from other stores to access Giant Carlisle's grounds and by distributing letters encouraging employees not to join trade unions.

Strictly speaking, these practices might fall within U.S. law. Yet even if they do, they certainly do oppose international guidelines, some of which are explicitly signed by Ahold. The workers' rights to freedom of association are laid down in the following international conventions and guidelines:

- ❑ The **OECD Guidelines for Multinational Enterprises**. The Netherlands and the United States are both member states of the OECD.

The OECD Guidelines clearly state what is expected from companies:

*Enterprises should [...] respect the right of workers employed by the multinational enterprise to have trade unions and representative organisations of their own choosing recognised for the*

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<sup>24</sup> Letter of July 8, 2011. Gail Goolkasian, Vice President, Employment, Labor and Benefits Law, Ahold USA, to Patrick O'Neill of UFCW. [http://aholdatrisk.files.wordpress.com/2011/07/ahold\\_usa\\_response\\_oneill\\_2011\\_07\\_08.pdf](http://aholdatrisk.files.wordpress.com/2011/07/ahold_usa_response_oneill_2011_07_08.pdf), viewed 15 March 2012.



*purpose of collective bargaining, and engage in constructive negotiations, either individually or through employers' associations, with such representatives with a view to reaching agreements on terms and conditions of employment.'*<sup>25</sup>

By denying access to stores, Giant Carlisle/Martin's makes it very difficult for representative organisations to actually reach the workers. This does limit the possibilities for employees to join a union. This is not what is meant by 'respecting the right of workers'. What's more, Ahold is not at all engaging in 'constructive negotiations with representatives'.

*'Enterprises should [...] provide such facilities to workers' representatives as may be necessary to assist in the development of effective collective agreements.'*<sup>25</sup>

Ahold does not allow union representatives in certain stores, let alone that facilities are provided.

*'Enterprises should [...] promote consultation and co-operation between employers and workers and their representatives on matters of mutual concern.'*<sup>26</sup>

*'Enterprises should [...] enable authorised representatives of their employees to negotiate on collective bargaining or labour-management relations issues.'*<sup>27</sup>

Again, Ahold refuses to recognise a major union, which represents 70,000 of its employees, as representatives of its Giant Carlisle employees. Meanwhile, any other union, or a potential new union, are also actively discouraged to operate at Giant Carlisle. Thus, those who wish to represent these Ahold workers cannot do so, and Ahold can deny its obligation to interact with workers' representatives as it can claim that there are none.

- ❑ At the **United Nations** level, the UN agency which is specialised in labour, the **International Labour Organisation (ILO)**, has explicitly formulated the **ILO Core Conventions**. These conventions establish workers' rights to freely form a trade union, join an already existing one or engage in collective bargaining agreements with their employer.<sup>28</sup>
- ❑ Article 23(4) of the **Universal Declaration of Human Rights**, which states that  
*'everyone has the right to form and join trade unions for the protection of his interests'*<sup>29</sup>.
- ❑ The **United Nations Global Compact**, a strategic policy initiative for businesses, signed by Ahold in 2010.<sup>30</sup> Global Compact states that  
*'businesses should uphold the freedom of association and the effective recognition of the right to collective bargaining'*.<sup>31</sup>
- ❑ The guidelines of the **Global Reporting Initiative (GRI)**. Ahold claims to report according to GRI indicators.<sup>32</sup>

<sup>25</sup> OECD Guidelines for Multinational Enterprises, 2011 edition, Chapter V, 2 a)

<sup>26</sup> OECD Guidelines for Multinational Enterprises, 2011 edition, Chapter V, 3

<sup>27</sup> OECD Guidelines, chapter IV, 1 a) and 8.

<sup>28</sup> ILO conventions C87 and C98.

<sup>29</sup> Universal Declaration of Human Rights, article 24. See <http://www.un.org/en/documents/udhr/> .Viewed 25 February 2012.

<sup>30</sup> Website Ahold, viewed 27 February 2012, <https://www.ahold.com/web/Ahold/Ahold-signs-the-United-Nations-Global-Compact.htm>

<sup>31</sup> UN Global Compact, principle 3. <http://www.unglobalcompact.org/aboutthegc/thetenprinciples/index.html> Viewed 11 April 2012.

- ▣ **Ahold's own Corporate Responsibility Policies**, which 'apply to the Corporate Center, as well as to all our operating companies and various departments within them, in all of our countries of operation'<sup>33</sup> respect and commit to the ILO core conventions. So does **Ahold's Standards of Engagement** document, which explicitly states that even suppliers

*'must observe...[.] the Legal Right to Collective Bargaining. The legal rights of personnel to join and form trade unions of their choice and to bargain collectively shall be respected.'*<sup>34</sup>

As Giant Carlisle and its division Martin's Food Stores is a US subsidiary of a Dutch company, there are some specific issues to bear in mind when talking about the normative standards which are being violated. The US did not ratify the ILO conventions on the freedom of association and collective bargaining, but the Netherlands did. Furthermore, Ahold in the Netherlands does not have anti-union practices; all the employees are free to join a union. By pursuing an inconsistent unionisation policy, Ahold discriminates against the Giant Carlisle employees by not granting them the same unionisation opportunities as their colleagues in the Netherlands and elsewhere in the United States.

## Ahold Response

When provided the opportunity comment on this SOMO report, Ahold did confirm that it wants to remain committed to responsible retailing and that it respects the legal rights of employees to bargain collectively, as it is stated in its Code of Conduct. Ahold's Corporate Responsibility Report 2011 even states that its USA divisions strive 'to have positive and cooperative relations with the unions that represent its employees'<sup>35</sup>.

Ahold defends the practices of its subsidiary by claiming that Giant Carlisle/Martin's anti-union communication in the US does not breach international standards. In its response of April 3, 2012, Ahold points out that the UN Global Compact recognises that

*'Employers have the right to freedom of expression provided that its exercise does not infringe a worker's right to make a free decision on whether or not to join a trade union.'*<sup>36</sup>

Additionally, Ahold refers to the ILO's Committee on Freedom of Association, which, referring to a Supreme Court decision, confirmed in a May 2010 decision that

*'an employer is free to communicate to its employees any of his general views about unionism or any of his specific views about a particular union, so long as the communications do not contain "a threat of reprisal or force or promise of benefit".'*<sup>37</sup>

Also, Ahold states:

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<sup>32</sup> Ahold 2011 Corporate Responsibility Report, p.3

<sup>33</sup> Ahold Global CR Policies. Viewed 27 February 2012. <https://www.ahold.com/web/show#!/web/Corporate-responsibility/Stakeholders-policies-and-guidelines.htm>

<sup>34</sup> Ahold Standards of Engagement. Viewed 27 February 2012. <https://www.ahold.com/web/file?uuid=75aff6c9-aa52-45c7-864e-35cc7359043d&owner=f6216a8f-4a2d-494f-8168-ae6cd1765756&contentid=288>

<sup>35</sup> Ahold 2011 Corporate Responsibility Report, p. 44.

<sup>36</sup> UN Global Compact, explanation on Principle 3. <http://www.unglobalcompact.org/aboutthegc/thetenprinciples/principle3.html> Viewed 11 April 2012.

<sup>37</sup> ILO Governing Body, June 2010. [http://www.ilo.org/wcmsp5/groups/public/--ed\\_norm/--relconf/documents/meetingdocument/wcms\\_142021.pdf\\_paragraph\\_519](http://www.ilo.org/wcmsp5/groups/public/--ed_norm/--relconf/documents/meetingdocument/wcms_142021.pdf_paragraph_519). Viewed 11 April 2012.

*'Ahold disagrees with SOMO's suggestion that, in order to comply with international labor standards, Ahold must adopt a policy of encouraging unionization or remaining silent whether its employees should join a union.'*<sup>38</sup>

SOMO does not agree with Ahold's interpretation of the standards. The issue is not about actively encouraging unionisation or remaining silent in order to comply with internationally recognised standards, and Ahold can indeed exercise its right to communicate its view about unionism or about a particular union. Furthermore, SOMO is not aware of any situations in which Giant Carlisle / Martin's has fired or threatened workers wishing to join or form a union.

However, Ahold does seem to fail to uphold internationally recognised standards and principles by using methods that do exceed the limits and spirit of the standards and principles 'Communicating freely' is not equal to repeatedly sending letters and leaflets and confronting new employees with this view in employee's handbooks, and virtually turning anti-union communications into a company policy.

Especially in the United States, where employees are specifically vulnerable as labour law is not very protective of workers' rights, the effect of persisting messages from managers on employees should not be underestimated. As fear of losing a job is always present, no harsh, threatening language is needed for managers to make employees weary of taking decisions that do not please their managers.

Ahold's arguments that 'employees may feel no need for union representation'<sup>39</sup>, 'unionisation is unnecessary for the [Giant Carlisle] employees' and 'the employees of Giant Carlisle have no need to seek outside representation' according to its Giant Carlisle division, and that 'the UFCW has not been authorized by a majority of Giant Carlisle employees to speak or bargain on their behalf'<sup>40</sup> are ignoring the reality of the employees' situation. Whether or not employees feel the need for union representation is not up to Ahold to decide.

Also, SOMO retains its conclusion that Ahold is not upholding the OECD Multi National Enterprises Guidelines by refusing to meet UFCW to discuss this topic. The imperative '*Enterprises should [...] promote consultation and co-operation between employers and workers and their representatives on matters of mutual concern*'<sup>41</sup> is not respected by Ahold. The UFCW does represent 70,000 American Ahold workers. As a workers' representing organ, this organisation is by definition a spokesperson for Ahold management. That Ahold does not wish to meet one of its major stakeholders to discuss an important conflict does not show Ahold's willingness to maintain its own, well-recorded, high standard of cooperation and communication.

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<sup>38</sup> Citation from Ahold's response to draft SOMO report. April 3, 2012.

<sup>39</sup> Citation from Ahold's response to draft SOMO report, April 3, 2012.

<sup>40</sup> Citation from Ahold's response to draft SOMO report, April 3, 2012.

<sup>41</sup> OECD Guidelines for Multinational Enterprises, 2011 edition, Chapter V, 3