August 17, 2008

EDITORIAL

Mixing Politics and Wal-Mart

It is hardly news that Wal-Mart will do whatever it takes to keep unions out of its stores, from closing down a unionized outlet to firing pro-union workers. The National Labor Relations Board has already ruled several times that Wal-Mart has violated the law by retaliating against workers for supporting a union.

Facing the prospect that union-friendly Democrats could win both the White House and Congress, the retail giant is now turning its attention to this year’s election.

Last week, several labor groups filed a complaint with the Federal Election Commission, accusing Wal-Mart of violating election rules. They acted after The Wall Street Journal reported that thousands of Wal-Mart store managers and department heads had been called to mandatory meetings and told that if Democrats won in November they would likely pass a law to make it easier to unionize companies. According to The Journal, Wal-Mart executives warned that could force the company to cut jobs, while workers would be forced to pay union dues and might have to go on strike.

Telling workers who are paid by the hour — Wal-Mart department supervisors are hourly workers — how to vote is prohibited under the Federal Election Campaign Act.

Wal-Mart acknowledges that it summoned employees around the country to warn them about the Employee Free Choice Act, which would allow unions to organize companies if more than half the workers signed cards agreeing to join, dispensing with the need for a secret ballot. But in a memo to managers, Bill Simon, the chief operating officer, said that any executive who might have appeared to be suggesting how to vote was “acting without approval.” Employees, a spokesman said, were merely told which members of Congress supported the legislation.

The vast majority on that list are Democrats, including Senator Barack Obama, who co-sponsored the bill.

The Federal Election Commission should investigate the allegations swiftly and aggressively. The “rogue executive” defense is a well-trodden excuse that should fool no one. Providing workers with a list of members of Congress who, in Wal-Mart’s view, support bad legislation that would worsen workers lives seems indistinguishable from telling them who to vote against.

Even if the F.E.C. eventually rules against Wal-Mart, the case underscores what a paltry deterrent election law provides. According to legal experts, the rules call for fines of only a few thousand dollars per violation. Even if thousands of violations were committed, the fine would amount to pocket change for Wal-Mart.

The F.E.C. needs to tighten its rules. Companies like Wal-Mart need to respect those rules and their workers.