

Miami Port Drivers

The Untold Story

Container Shipping— A Booming Industry

Corresponding with the decline of domestic manufacturing, port-based imports is the fastest growing, most lucrative industry in United States. East, West, and Gulf Coast ports have become regional economic generators. Steamship lines, brokers, importers, and port authorities are reaping unprecedented profits. The only port affiliated stakeholders excluded from this boom are the men and women who drive the trucks hauling containers to and from the ports.

Port Drivers Excluded from Industry Gains

Port drivers in the United States are usually the newest immigrants in their community. In Oakland, CA most port drivers are East Indian. In Houston, TX and Los Angeles, CA the majority of drivers are Central America and Mexican. In Detroit, MI they are mostly from the Middle East, and in Miami, FL, for the most part, port drivers are Cuban. New immigrants are attracted to hauling port containers since there are few requirements to enter the profession, namely a CDL and \$4,000-\$10,000 to purchase a 20-30 year-old truck. It is a profession that also has wide appeal, although risk of failure is high, because unlike many low-skill jobs, truck driving has a sense of dignity and respect stemming from a driver's ability to work for him or her self.



Since trucking deregulation in the early 1980's, port drivers have faced the lowest wages in the industry

(rates have actually declined over the last twenty years), while they must shoulder the ever-surging costs of insurance, maintenance, and fuel. Like share-croppers in the old American South, port drivers assume all the risk for a fraction of the gain and consequently have the highest turnover (over 150 percent) of any truck driver in United States (unionized trucker turnover rate is 2-3%). The average independent port driver has no health insurance, no pension, no paid vacations or holidays, and after expenses grosses between \$7.00 and \$8.00 per hour.

Abusive and Exploitative Conditions Port Drivers Face

Unfortunately, lots of unscrupulous players in the industry take advantage of port drivers' vulnerability. Since port drivers are classified as independent owner operators, not employees, they are not protected under the National Labor Relations Act or state labor laws and can be sued for taking collective action or their leases terminated for protesting unjust treatment. Lacking basic protection available to most workers in the United States, port drivers are easy prey.

Port drivers are paid not by the hour, but piece rate for each container moved, exacerbating their economic duress.

Terminal operators take advantage of port drivers, forcing them to spend hours each day waiting for roadworthy trailers, waiting for containers— waiting to get in and out of the terminal— all without compensation.

Port drivers are often forced to move containers and other equipment owned by steamship lines

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within the terminals for free, as a condition of being allowed to enter the terminals.

Port drivers also are saddled with the burden of being forced to pay for equipment damages that they did not cause.

Port drivers are routinely assigned poorly maintained, unsafe intermodal trailers by terminal operators and are liable for citations on this equipment when stopped on the highway by law-enforcement officials.

Port drivers are forced to haul overweight containers, another violation of state and federal law.

While steamship lines charge their customers fuel surcharges when the price of diesel spikes, these extra funds are frequently not passed on to the drivers.

Motor carriers routinely cheat drivers by requiring them to purchase unnecessary and inflated insurance policies and by violating Federal Truth-in-Leasing regulations.

Port Drivers Protest Nationally and in Miami, FL

Frustrated, disheartened, and angered by this abusive treatment, port drivers from coast to coast are mobilizing to protest their plight. During May, drivers launched protests in Los Angeles and Oakland, CA. Throughout the month of June, driver protests erupted in Boston, MA; Newark, NJ; Baltimore, MD; Norfolk, VA; Charleston, SC; Savannah, GA; New Orleans, LA; and Houston, TX.

On June 28th, 2004, thousands of drivers at the Port of Miami parked their trucks and began a peaceful public protest, despairing over two simple questions—could they continue to operate their trucks

while their expenses outweighed their income and should they have to endure humiliating, abusive treatment in a highly profitable industry.



Steamship Lines Retaliate

The industry's response to these drivers' protest has been unusually harsh and oppressive. On July 9, 2004, along with Miami-Dade County, A.P. Moller-Maersk (APM), manager of Universal Maritime Service Corporation (UMSC), one of the two terminals in the Port of Miami, and Port of Miami Terminal Operating Company (POMTOC), operator of the second terminal in the Port of Miami, slapped identical draconian lawsuits on the drivers. At APM's instigation, the port drivers are facing a preliminary and permanent injunction prohibiting them from demonstrating on Biscayne Blvd at the entrance to the port. Anti-trust damages could run into millions of dollars, and attorneys' fees and costs.

A.P. Moller-Maersk is the parent of UMSC and Maersk-Sealand, a 20-billion dollar (\$20,000,000,000) Danish steamship line—the largest steamship company in the world—which transports twice the freight of the second largest ocean-carrier and operates more than thirty port terminals worldwide. Maersk's dominant position was cemented with its acquisition of Sealand, the last American-owned steamship company, a few years ago.

On July 20, 2004, U.S. District Judge Patricia Seitz recommended mediation. The drivers have agreed and have requested the assistance of Teamsters Local 769 in Miami to represent and assist them in their meetings with APM and POMTOC.

The challenge confronting concerned citizens and leaders of the Miami Cuban community is to balance the power and propaganda machine of the world's largest ocean carrier, enabling the community to understand the plight of these exploited drivers, and ensure that they are not silenced.