



Statement of the Waterfront Commission of New York Harbor in Response to Press Release by NYSA and ILA Regarding Lawsuit Filed

Today, the New York Shipping Association, Inc. (NYSA) and International Longshoremen's Association, AFL-CIO (ILA) announced the filing of their complaint against the Waterfront Commission of New York Harbor. That complaint, which alleges interference in their collective bargaining process, is actually designed to prevent the Commission from fulfilling its mandate to ensure the fair hiring of a diverse workforce in the Port.

Those allegations of improper interference with the collective bargaining process are categorically untrue. Over the past sixty years, courts have consistently upheld the Commission's actions when a collective bargaining agreement has violated the letter and spirit of the Waterfront Commission Act.

As shown by public hearings, current provisions in the collective bargaining agreements of the ILA, NYSA and Metropolitan Marine Maintenance Contractors Association (MMMCA) have perpetuated disparate hiring practices, resulting in an incredible lack of diversity in waterfront employment, as well as an income gap among those minorities that are employed there. Indeed, the hiring, training and promotion practices of the industry have led to no/low-work, no/low-show positions generally characterized by outsized salaries provided to a privileged class. Those with such positions are overwhelmingly given to white males connected to organized crime figures or union leadership.

In today's statement attacking the Commission's efforts, NYSA President John Nardi staggeringly asserted that the ILA is "already a diverse workforce." This is directly contradicted by the demographics of the only two ILA locals that have joined in the lawsuit, Local 1804-1 and Local 1814, whose registrants are less than 2% and 8% African American, respectively. It is for this very reason that the New York State Division of Human Rights has filed charges against the NYSA, MMMCA, ILA, and ILA locals alleging discriminatory hiring.

To combat such practices, the Commission has asked that the industry implement a hiring plan that will result in individuals being hired in a fair and non-discriminatory basis in accordance with state and federal laws - - as is required of all other employers. In response, the NYSA and ILA issued a press release expressing frustration with the Commission's "bureaucratic delays," claiming labor shortages have had a resultant negative economic impact on cargo flow. During subsequent discussions with The Port Authority of New York and New Jersey, the NYSA was forced to retract that statement and publicly agreed that the Commission was, and is not, delaying hiring, and that applicants were actively processed.

Indeed, the Commission has expeditiously processed each and every applicant referred, in order to put people to work in the Port as quickly as possible. Many NYSA and ILA referrals have been prequalified and are now ready for employment. The Commission has also offered a diverse prequalified pool of labor assembled from government employment centers in New York and New Jersey, to alleviate any immediate labor shortages. Those individuals, once described by ILA President Harold Daggett as “garbage,” were summarily rejected, with the NYSA claiming that their employment was prohibited by the provision of the collective bargaining agreement at issue.

In today’s press release, the NYSA and ILA indicated that the Commission has obstructed their efforts to achieve productivity and growth. Over the past several weeks, terminal operators have indicated that there is a growing need for immediate labor. As of today, there are 136 individuals – many of whom are military veterans – prequalified to be put to work in the Port. To date, the industry has simply chosen not to do so. Instead, they have responded with a baseless lawsuit.

The NYSA’s last meritless attempt to challenge the Commission’s authority was summarily dismissed by the federal court, and its appeal was likewise denied. That litigation needlessly depleted its members’ resources. Today the NYSA has definitively demonstrated that it no longer represents the interests of its terminal operator members but, rather, that of the ILA. This attempt to institutionalize discrimination through collective bargaining agreements will not be tolerated. The Waterfront Commission of New York Harbor will vigorously and successfully defend this lawsuit.