

About Apple's Business Conduct

Friday June 10, 2022

(updated Thursday, September 1st 2022)

Hello fellow Apple employees.

My name is Erich and I have been with Apple in Japan (R119) for over ten years. I have also been a declared union member at Apple for eight years. This means that we went to the corporate office in 2014 with a printed document that declared that a local chapter had been formed with a registered trade union (Tozen Union) and issued demands to bargain over.

I'm writing today about Apple's Business Conduct policy. I like this policy a lot. Many facets of the policy are extremely important, but I feel that they are often overlooked, even by management.

The policy starts:

*"Apple conducts business ethically, honestly, and in **full compliance with all laws and regulations**. This applies to every business decision in every area of the company **worldwide**."*



This is a great way to conduct a business.

🍏 Business Conduct Policy

Also in the introduction, workers are instructed to:

*"Comply with the letter and spirit of Apple's Business Conduct Policy, principles, and **all applicable legal requirements**."*

The policy also requires us to speak up.

"If you see or hear of any violation of Apple's Business Conduct Policy, other Apple policies, or legal or regulatory requirements, you must notify either your manager, People Team, Legal, or Business Conduct."

Perhaps the most important part of the Business Conduct policy, is that it explicitly states the consequences of not following the policy:

*"**Any failure to comply with Apple's Business Conduct Policy—or failure to report a violation—may result in disciplinary action, up to and including termination of employment.**"*

This would seem to indicate that Apple expects its workers to help keep it in line, and that failure to do so would be breaking our contract as employees.

Near the end of the introduction, the policy states:

“Apple will not retaliate—and will not tolerate retaliation—against any individual for reporting a good-faith concern or complaint”

I think this is a wonderful sentiment, because it clears the way for good faith communication and honest critique.

It is this policy and the stated threat to my employment if I do not follow it that compels me to lodge the following address.

Business Compliance Training

Every year we are required to complete a training unit called “Business Compliance.”

One of the first screens we are subjected to is a quote by our CEO Tim Cook:

“At Apple, we do the right thing, even when it is not easy.”

Tim Cook makes this bold claim about Apple every time we have Business Conduct training. It is meant not just as a promise, but a declaration.

Apple intends to do the right thing. *Always.*

Every time I see this quote, however, I am reminded of a quote by an exasperated Steve Jobs on the eve of the botched MobileMe roll out:

“So why the f^uck doesn’t it do that?”

Please forgive his profanity, but this direct quote of our late co-founder succinctly illustrates the profound frustration of the AppleTogether movement. That night, Jobs went on to say that the failure of MobileMe had “tarnished Apple’s reputation.”

Many of us feel the same way about Apple management’s disgusting union-busting tactics that it has employed over the past few months in the USA.

These two quotes are great markers for our current situation. Tim Cook’s quote represents the promise of what Apple should be, and the Steve Jobs quote is representative of the frustration behind the organizing effort, because Apple isn’t living up to that promise. It isn’t even living up to its own Business Conduct policy. The policy states that Apple follows all laws and regulations, but that isn’t true when it comes to union-busting.

When it comes to interacting with a union, Apple knows exactly what is “the right thing” to do. We know this because Apple management published a document called the “Apple Supplier Code of Conduct.”

In this document, there is a section on page three where Apple demands of its suppliers:

Freedom of Association and Collective Bargaining
Supplier shall freely allow Workers’ lawful rights to associate with others, form and join (or refrain from joining) organizations of their choice, and bargain collectively, without interference, discrimination, retaliation, or harassment.



🍏 Supplier Code of Conduct

It is rather disheartening to see the rank hypocrisy here: that Apple would demand freedom to organize collectively for the employees of its partners while refusing to recognize the same unfettered rights to its own workers, which Apple refers to as its “heart and soul.”

This failure to abide by its own standards has tarnished Apple’s reputation and embarrassed us on the world stage, and for no good reason.

In my eight years as a declared union member with Apple in Japan, we have held collective bargaining regularly and have cordial industrial relations.

Our colleagues in France have had multiple unions at multiple Apple stores for even longer. Not only do they have collective bargaining regularly, they even conduct industrial action when necessary.

The same goes for Spain, where the CGT union is currently pushing for holidays and Sundays off in their stores.

Germany has a long history of improving their workplace from within Apple as well via collective bargaining.

In all of these countries, the company has made small adjustments in the way it does business, but it still flourishes. Apple is in no danger of financial distress anywhere it has an established union. So why is Apple so committed to being this confrontational to unionization in the USA?

I have to think that it is a matter of education. I would like to answer some of the misconceptions that were published by retail Vice President Deirdre O’Brien in her anti-union video, recently distributed to all of the workers in the US.

Addressing misconceptions in the Deirdre O'Brien video

Let's go over what Deirdre O'Brien said in the video.

"I cherish the relationship that we have...(it) could fundamentally change if a store is represented by a union under a collective bargaining agreement."

Those of us who have been in unions while working with Apple can explain this easily.

In the way that we have relationships with our connection managers and teammates, no, not really. Our one-on-one conversations and our feedback sessions with our connection managers that enable us to grow as an ambassador of everything Apple; those don't fundamentally change.

What does change, is that the decision-making is less *unilateral*. The direction of the company will no longer be dictated by the company to the employee alone. The direction of the company will be decided in a more *equilateral* fashion.

Your immediate managers cannot talk to you directly about demands made by the union, so it should not affect your working relationship with them. If you disagree with an evaluation or a disciplinary action, a union puts you on equal footing to address the dispute at the collective bargaining table. Demands are drafted and voted upon by members and submitted to the company by members, to be bargained for collectively.

This is why we organize.

"And I worry about what it would mean to put another organization in the middle of our relationship."

There are two important points that need to be made here.

- 1) A union is not an *external organization*. An Apple union is made up of Apple employees which, by definition, makes it internal. A local needs to be a part of a larger union for legal purpose and guidance, but that does not make it external.
- 2) As was already mentioned in the beginning of this letter, if you want to know exactly what it would mean, you need look no further than the stores in other countries. Functioning models already exist. Any of us would be happy to host you and explain how it works. Our collective bargaining sessions often take place over Webex so, Deirdre O'Brien, you could even participate directly if you really wanted to put your worries to rest.

The next statement that Deirdre O'Brien made, to be honest, didn't feel genuine to me. She continued the misrepresentation that a union is an "outside" organization, and then implied that they would...

“...not have a deep understanding of Apple or our business and most importantly, one that I do not believe shares our commitment to you.”

If Apple management wants to limit involving third parties into the experience of working with Apple, management should probably change its *own* course. Sedgwick is a third party company, and I know from speaking with hundreds of workers in the US that Sedgwick definitely does not have a deep understanding of Apple. In fact, having to deal with Sedgwick can add a disabling degree of stress to whatever health problems our employees are dealing with in working with them. Our credo says: *“good enough” isn’t*. Sedgwick isn't even close to good enough, and we can do better.

This is why we organize.

Another third party organization that Apple management has subjected its workers to is the anti-union law firm Littler Mendelson. While hiring this law firm does not in and of itself count as union-busting, the reputation of Littler Mendelson does imply that Apple has the intent to commit significant resources towards union-busting. This contradicts Apple's acknowledgement in its own published *Apple Supplier Code of Conduct* that workers should have the right to organize without interference. When a large number of employees are interested in forming unions, not only in the US, but also worldwide, it is easy to make the argument that the hiring of Littler Mendelson would indicate that Apple management prioritizes union-busting over its employees.

And to those employees who may feel threatened by the hiring of this law firm, I would like to assure you. The AppleTogether movement has already secured counsel from lawyers who have wiped the courtroom floor with Littler Mendelson. I can tell you from experience that worker solidarity and even one activist lawyer is worth dozens of corporate mercenaries. We are already prepared to defend our rights to *“form and join organizations of their choice, and bargain collectively, without interference, discrimination, retaliation, or harassment.”*

Management’s insertion of questionable third parties into our workplace needs to be addressed.

This is why we organize.

“Apple moves incredibly fast.”

Saying “no” and dismissing employee concerns might be fast, but that isn't what we are looking for.

We are looking for changes in company policy. This can be fast, if the company quickly accepts demands made from a union, but more often than not the company resists even the most reasonable demands. There is room to improve here.

This is why we organize.

“And I’m always so appreciative that you share your feedback with us so that we can build our plans together...Your feedback is essential to us and I want to thank you for all that you share with us.”

If you like feedback, you are going to love collective bargaining. I tend to refer to collective bargaining as “*Feedback+*.” The primary difference between giving feedback through management-created channels and collectively issuing official demands via a union, is this: while management can choose to politely ignore feedback and requests for policy change, leaving issues unresolved for years, it is *illegal* for a company to refuse collective bargaining.

The company *must* come to the table to address the demands that are voted upon by the union of Apple employees and negotiations aren’t finished until the *union of Apple employees* is satisfied. If feedback is a gift then collective bargaining is the gift that keeps on giving. Organizing into unions and issuing demands is the only way that we can be sure that all of our needs are met, to the degree that we, not management, are satisfied.

This is why we organize.

In conclusion

I hope that addressing these points raised in Deirdre O’Brien’s video message will help to explain the misconceptions contained within it. I would also like to extend another invitation to Deirdre O’Brien, or any corporate member of retail in Cupertino to attend a collective bargaining session with a union in another country. You will see clearly that there is nothing to fear, and that, if you are serious about Apple’s Business Conduct Policy, unions are extremely beneficial. No one keeps Apple business compliant like worker unions.

For example:

- In France, unions sued to get Apple to comply with labor law that limits working hours after 9pm.
- In Spain, workers filed a class-action lawsuit to get the company to comply with labor laws and include holidays in their days off schedule so that it is easier to exercise their rights over them when necessary.
- In Japan, we forced the company to back-enroll our part-time members into the health and pension scheme, when Apple insisted that this was only a benefit that was available to full-timers.

In the US, even though only a few store unions have officially formed as of yet (Towson, Oklahoma City), the AppleTogether movement is already working hard to keep Apple to its word, by working to ensure that the union-busting is stopped. The NLRB (National Labor Relations Board) has issued a memo on anti-union speech during



NLRB news on union busting

company-sponsored captive-audience and other mandatory meetings. The memo was clear – these types of coercive meetings are illegal. Charges are being pressed in Atlanta by members of the Cumberland store, where the union vote was delayed due to what is referred to in Apple’s own Apple Supplier Code of Conduct document as “interference, discrimination, retaliation” and “harassment.”

Keeping Apple business compliant is not only a job for its union members; according to Apple’s Business Conduct policy, it is everyone’s job. We are required to speak up, to use good judgment and ask questions. So my final questions are for the managers and store leaders in the USA:

- If Apple corporate is instructing you to violate multiple Apple policies, why are you not refusing such orders?
- If you are reciting anti-union talking points in mandatory meetings with your direct reports, be it in a one-on-one setting or the pre-shift meeting, when you are aware that the National Labor Relations Board has said that this is illegal, then why in the name of Steve Jobs are you doing that?

If anyone from management has any questions, you know where to find us.

For staff interested in improving your workplace and keeping our company business compliant, join us at AppleTogether.

In Solidarity,

Erich of Shibuya, Tokyo, Japan 🇯🇵 (R119).

Tozen Union: Zenkoku Ippan Tokyo General
Union Apple Japan Local
(3 stores 3 cities)



NLRB memo on union busting



APPLE TOGETHER

Co-signers:

CfdtpommeR Apple Retail France Union 🇫🇷
(20 stores 16 cities)

CGT Apple Retail France 🇫🇷
(20 stores 16 cities)

Confederación General del Trabajo, Sección
Sindical Apple Retail España. 🇪🇸
(5 Stores 3 Cities)

CNT Apple PDG 🇪🇸
(1 store 1 city)