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Betty Dukes, right, poses with fellow plaintiffs shortly before a hearing Wednesday, Sept. 24, 2003, in San Francisco.

Women vs. Wal-Mart

Just in time for holiday shopping, a new book portrays the world's largest retailer as greedy, sanctimonious and grossly unfair to its female employees.

By Corrie Pikul



Nov. 22, 2004 | In 2000, a 54-year-old Wal-Mart worker named Betty Dukes filed a sex discrimination claim against her employer. Despite six years of hard work and excellent performance reviews, Dukes said, she was denied the training she needed to advance to a higher, salaried position. Dukes was fed up -- and she wasn't the only one. The suit, *Dukes vs. Wal-Mart Stores, Inc.*, was eventually expanded to represent 1.6 million women, comprising both current and former employees, making it the largest civil rights class-action suit in history. The suit charged Wal-Mart with discriminating against women in promotions, pay and job assignments, in violation of Title VII of the

1964 Civil Rights Act (which protects workers from discrimination on the basis of sex, race, religion or national origin). This past June, a California judge **ruled** in favor of the women. Wal-Mart is appealing the decision.

In her new book, "Selling Women Short: The Landmark Battle for Workers' Rights at Wal-Mart," journalist Liza Featherstone follows the Dukes case from start to finish. Through interviews with lawyers, plaintiffs and witnesses -- and analyses of reports from both sides -- she paints a picture of Wal-Mart as a hypocritical, falsely pious, exceptionally greedy corporation that creates a massive sinkhole for working women. (Wal-Mart officials refused to be interviewed for the book.) Female employees from stores all over the country tell of being repeatedly passed over for promotions, enduring sexist comments from male co-workers, and worst of all, getting paid significantly lower salaries for doing the same amount of work, or sometimes even more.

Featherstone, a contributing editor at the Nation who has written extensively about labor issues, says that she saw the suit as an opportunity to examine the role that Wal-Mart -- which has over 3,500 stores in the United States and employs 1.3 million workers -- plays in our society, and the effects the company has on working conditions everywhere. Featherstone was also curious about the six named plaintiffs, whom she calls "the women who would stand up to the world's most powerful retailer."

Salon spoke to Featherstone about the details of the Dukes case, red-state and blue-state retailers, and Wal-Mart's paradoxical relationship to the Republican Party.

CNBC and "Frontline" both recently aired documentaries about Wal-Mart, and even [South Park](#) had an episode about a Wal-Mart store that takes over the town. Communities all over the country are **debating the pros and cons of having a Wal-Mart in their area. Now we have your book. Why is the store getting all this attention?**

Wal-Mart's business model of offering the lowest price is often at the sacrifice of many principles, including workplace fairness and gender and race equality. We're alighting on a critique of this business model, and Wal-Mart provides a glaring and enormous example.

Tell me about the lead plaintiff for the case, Betty Dukes.

She was actually a little bit prickly at first because she'd had [what she felt was] a very bad experience talking to a writer for Fortune. She had spent a lot of time with that writer, and she didn't end up in the story. That's a common situation in journalism. But Betty really felt hurt by that, and she didn't really want to cooperate with any more journalists. But Betty was also very eloquent and, ultimately, very eager to tell her story. She has a sort of wonderfully commanding manner that comes from being a pastor in her church: She likes giving proclamations, and she does that very well.

Her position in the case, as an older black woman with humble origins, standing up against a larger power for equal rights, makes her seem like a modern-day Rosa Parks.

You know, there is always this perception that Rosa Parks was an accidental activist, that she just was sitting on the back of that bus and finally couldn't stand it any longer. The reality was that Rosa Parks was an activist for a long time before that. She had been a part of the civil rights movement for many years. Betty Dukes is truly a kind of an accidental activist. She never thought of sex discrimination before this case. She really was surprised into taking a stand. Betty is more like the myth of Rosa Parks than the real Rosa Parks!

What kind of compensation will the 1.6 million women in this case receive?

When they say this lawsuit is on behalf of 1.6 million women, it's not that 1.6 million women know they're in the lawsuit, or are actively bringing claims. This is just the number that could potentially benefit from the suit. What each individual will collect will vary and will depend on their claim and the size of their settlement. In an ideal outcome, what everyone will get is an improved company to work at.

Is there something about the Wal-Mart culture that is particularly attractive to female employees?

Wal-Mart promises that even if you don't have a college education, you can advance. For many women with no education and little work experience outside the home, that is very appealing. The Wal-Mart promises are so compelling to people because they map so well onto the promises of American culture. People really want to believe them. Another thing that appeals to these women is that Wal-Mart also sells themselves as a family-oriented company with strong "values" -- which is often understood to mean Christian values.

Yet in the book you cite several discrepancies between the way Wal-Mart talks about family values and the way the company actually serves the families of its employees.

The way that Wal-Mart underpays women and doesn't promote them, despite the fact that so many women who work there are supporting their families, is shockingly hostile. As one of the plaintiffs pointed out, "They don't even pay you enough to pay a babysitter." In their company culture, they've always had the idea that to move into management, people have to be willing to relocate. [Uprooting the family] can be tremendously disruptive to families for either men or women. It's clearly something that can be avoided, especially now that there are so many Wal-Marts everywhere. You hardly need to be sent to another state to work at a different Wal-Mart.

What about those "Christian values"? Do they allow employees time off to practice their religion?

Many employees who wish to practice Christianity have a difficult time getting Sundays off. That is something Betty Dukes brought up. One of Wal-Mart's requirements for moving into management is being available to work at any time. Betty feels that not being available to work on Sundays has hurt her. Other employees have said the same thing. As an employee, you can get the time off usually, but there is a sense that a manager should be free to work anytime they're asked. That's also something that hurts women with children.

Has Wal-Mart ever publicly acknowledged that they discriminated against women?

Not explicitly. In some instances, they've said [in the context of the lawsuit], "We're realizing we have to make some changes. But we can't change what makes Wal-Mart, Wal-Mart!" Wal-Mart is treading a fine line because they want the public to know that they are taking the criticisms seriously and are trying to do something about them, while still fighting [the ruling] in court.

Many of the employees you spoke with expressed a belief in the "glory days" of Wal-Mart founder Sam Walton and seemed to feel that none of Wal-Mart's current labor problems would be happening if Walton were still alive. Is there any truth to this? Did things go downhill after he died in 1992?

Employees see Sam Walton as an inspiring figure because he built his empire from a five-and-dime store in Arkansas -- he really is an embodiment of the American dream. Many workers that I

interviewed talked about how Sam Walton would be turning over in his grave if he could see the company now. The fact is that Sam Walton knew Wal-Mart wasn't treating women well -- he even wrote about it in his biography -- but there is very little evidence that he did anything to change it. He was very opposed to unions and always said unions had no place at Wal-Mart. Sam was also very cheap. He helped build the business model of spending as little as possible, and that included spending as little as possible on labor costs. There is every reason to believe that Wal-Mart is what it is *because* of the views of Sam Walton, not in spite of them.

However, some long-term employees explained to me that when Sam Walton was alive, the company had more of a family feeling. One woman in the book talks about how when he was alive, the employees' smocks said, "People make the difference" and when he died, they became, "How many I help you?" -- moving the focus from the worker to the customer. Sam Walton was also good about going into stores personally and saying, "You're doing a really great job." After he died, people were much more inclined to notice the problems in the company because working there was not as pleasant. Things like how much people were paid -- those things didn't change dramatically. But basic courtesies toward employees and things the company did to make employees feel special (like birthday cakes on their birthdays) really went by the wayside.

One could argue that Wal-Mart is good for women -- especially poor women -- because it makes it possible for them to get quality merchandise at low prices.

Part of the reason Wal-Mart is so popular with people -- and women in particular -- is that it brings low prices to areas where people are really struggling, and it brings an enormous amount of convenience to women's lives. Consuming for the household is still very much women's labor. Even after a full day of work, women still have to do the shopping, and having a place where you can do all your shopping in one store instead of driving all over your county is a great blessing. It's understandable that people would be grateful for that.

What's disturbing is that Wal-Mart is really profiting from female poverty -- both from its workers and its shoppers. Part of the problem with the Wal-Mart business model is that it requires more poverty in order to grow. They really have no incentive to improve working conditions. If they are lowering living standards everywhere they go, people have no choice but to shop at Wal-Mart.

You could also argue that when Wal-Mart moves into economically depressed areas, they are providing jobs for people who really need them. Some Wal-Mart commercials exploit this concept, promising jobs and community involvement. But in your book, you say that this is misleading.

While Wal-Mart will provide jobs, workers have low wages and few benefits. In addition, the company has a disregard for workers' rights and a willingness to break the law to make profits. People deserve better than that. Communities should try to think of alternative ways to develop their economies.

Now, when Wal-Mart says, "We're bringing low-cost goods to the community," it's hard to argue with that. Wal-Mart really will offer lower-cost goods than many small retailers. It's hard to counter that by saying the public costs don't always show up on the receipt, that there are hidden costs to Wal-Mart that you aren't always aware of.

Are those hidden costs what you were referring to when you called Wal-Mart "one of the biggest welfare queens of our time"?

Yes. American taxpayers chip in to pay for many full-time Wal-Mart employees because they usually

require incremental health insurance, public housing, food stamps -- there are so many ways in which Wal-Mart employees are not able to be self-sufficient. This is very ironic, because Sam Walton is embraced as the American symbol of self-sufficiency. It is really troubling and dishonest that Wal-Mart supports Republican candidates in the way that they do: 80 percent of their corporate campaign contributions go to Republicans. But Republicans tend not to support the types of public assistance programs that Wal-Mart depends on. If anything, Wal-Mart should be crusading for national health insurance. They should at least be acknowledging that because they are unable to provide these things for their employees, we should have a more general welfare state.

In the book, you make it clear that "a class-action suit can compensate individuals and perhaps force some lawyer-mediated changes in the company, but it cannot, in the long run, give workers more power." So do you think that unions are a more feasible, realistic solution?

I would certainly hope that one outcome of this class-action suit and this wave of public awareness would be to strengthen the campaign to organize workers. I don't think these problems are really going to be ultimately solved by lawsuits, although they can be a helpful tool. Workers really need a way of negotiating for themselves. Not in the sense that Wal-Mart means when they give employees [anti-union] buttons that say, "I can speak for myself." When you speak for yourself to the world's largest retailer, you need a lot of people behind you. You need to be speaking collectively.

But, to be fair, some labor unions also have a record of gender discrimination. As you mention in the book, Equal Rights Advocates [one of the organizations litigating the Dukes case] frequently sues trade unions for excluding women. How do you think that unions can specifically benefit female Wal-Mart employees?

Studies of the retail industry have shown that in unionized companies, the disparity between men's and women's wages tends to be much smaller. Research also shows that in unionized companies, women are able to be promoted more easily, and there is less disparity between male and female management. Even if you have a very flawed union, you have some way of dealing with grievances and there is some mechanism in place that ensures that you won't be retaliated against for bringing a complaint. That alone makes an enormous difference.

Wal-Mart has been **called a red-state retailer, while other stores like Target and Costco are seen as more blue state because they have more progressive policies.**

I found Wal-Mart to be a really interesting analog to the Republican Party, in the way that party convinces ordinary people, especially in rural areas, that it shares their interests and embodies their culture. The Wal-Mart CEO has even said, "City people don't understand Wal-Mart. Wal-Mart is for country people." That's so similar to the way that Republicans convince rural people that "we get you, we understand you, we support you." And it's really amazing and instructive how powerful that language is.

Many of the women fighting sex discrimination at Wal-Mart refuse to refer to themselves as "feminists."

Yet so many people who really wouldn't consider themselves feminists, would resist the label, are still fighting for women's rights on the most important, fundamental issues, on the issues of equal pay and equal treatment. I found that very inspiring. I think it's wonderful that people who have such a negative idea of feminism are still out there, actively fighting for women's rights. It's really a triumph of feminism that the ideas behind it, not the labels, are what cross class lines.

In terms of class relations, is there anything that the left can learn from the Dukes case?

This case shows that when it comes to issues that really affect people in their daily lives, people will stand up and fight and will take progressive positions. This suit also shows that a lot of people who have those "traditional values" that we've heard so much about don't believe that those values justify corporate wrongdoing or discrimination toward women. In fact, many people feel like traditional Christian values are also about decency and fairness, and are very disappointed when a company like Wal-Mart doesn't see it that way -- or when Wal-Mart interprets these values to mean simply refusing to sell adult materials and music with improper lyrics. For many people in this country, values mean a lot more than that, and that's very heartening.

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