

## **Union-busting at Freightliner**

February 22, 2008

LEE SUSTAR reports on the history of union-busting at the truck maker Freightliner--and the struggle of five defiant United Auto Workers members to win back their jobs after being unjustly terminated by the company nearly a year ago.

THE FREIGHTLINER management in Cleveland, N.C., must be breathing a sigh of relief.

Five terminated members of the union's bargaining committee who helped lead a one-day strike last year have been denied union membership by their local union president in what experts say is a violation of their union's constitution.

One of the five, Allen Bradley, was arrested February 16, even as he, along with the other terminated members, were complying with a police order to leave a union meeting. His "crime?" Taking a photo of a police officer who was confronting a fellow worker.

To an outsider, it may appear that United Auto Workers (UAW) Local 3520 is simply beset by factional rivalry. Certainly, such a conclusion would be convenient for Freightliner executives, who benefit from any diversion from the heart of the matter--the unjustified firing of five local union officers who led a walkout from their plant after their contract expired and management broke off negotiations.

Since then, the workers, now known as the Freightliner Five--Bradley, Robert Whiteside, Glenna Swinford, Franklin Torrence and David Crisco--have been fighting to regain their jobs. A January letter from an official at the UAW International's office in Detroit stated that the union would press the workers' case at arbitration hearings that have yet to be scheduled.

In recent weeks, the five have mounted a solidarity effort that has raised money from unionists and sympathizers around the country to keep them in the fight. The response has been positive and growing--not only because labor activists recognize the justice of their cause, but because the outcome of this struggle will have an impact on labor's long-delayed efforts to organize the South.

If a company can get away with terminating a union's elected officers--Whiteside, Swinford and Torrence are members of the local's executive committee, and the others also hold several elected union positions--organizing in what is already hostile territory will become even more difficult.

As has been the case historically in the South, the struggle for racial justice is intertwined with workers' rights. Whiteside and Torrence are African American and have been at the forefront of the effort to fight discrimination in the Cleveland plant. They, as well as Swinford and Bradley, are all active members of the NAACP.

"Corporations continue to flock to the South, where they can take advantage of 'right-to-work' laws and intimidate workers," said Donna DeWitt, president of the South Carolina AFL-CIO. "It is incidents such as the termination of the five Cleveland Freightliner union members that impedes the ability of unions to organize successfully in the South.

"When workers see what happens to union members--union leaders--they will choose not to be a part of a union. In the end, the corporations win, and workers lose."

Yet in this struggle, the Freightliner Five have repeatedly found themselves up against UAW Local 3520 President George Drexel. It was Drexel who called off the strike hours after it began on April 2, 2007. It was Drexel who tried to suspend the five from union office and put them on a weeklong internal union trial last November, which failed.

And it was Drexel who informed the five that they were no longer members in good standing, and would henceforth be barred from union meetings, even though in the UAW such determinations rest with a local's financial secretary. In fact, Local 3520's financial secretary, Shayne Brown, accepted back dues from the five just days before the union meeting.

Drexel did not return messages seeking comment on these developments. Whatever his motivations, a campaign to remove the five from union office, and now membership, can only benefit management. And as a look at Freightliner shows, the company--recently renamed Daimler Trucks North America after its German parent corporation--has long pursued an anti-union agenda.

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OF COURSE, corporate public relations specialists gave Freightliner's "human resources management" a different spin. On June 1, 2006, Dieter Zetsche, chair of Freightliner's parent company, then known as DaimlerChrysler, visited the truck maker's flagship plant in Portland, Ore., to celebrate the 25th anniversary of Daimler's purchase of Freightliner.

"Today, Freightliner is not only an integral part of the DaimlerChrysler Truck Group and the pillar of our North American commercial vehicle operations, it is also the group sales leader for our entire truck business," Zetsche told an audience of factory workers, praising them as "dedicated employees."

Eight months later, 900 of those "dedicated employees" were laid off as Freightliner transferred work to plants in North Carolina and Santiago Tianguistenco, outside Mexico City.

By July, production workers at the Portland plant, which builds the Western Star brand trucks and military vehicles, had had enough. Some 670 members of International Association of Machinists (IAM) Local 1050 walked out, preventing the plant from re-opening after a maintenance shutdown.

Three other unions at the plant--the Teamsters, the Service Employees International Union and the Painters--had already reached tentative agreements. But they honored the IAM's picket lines and kept the plant shut down.

According to union officials, the IAM won improvements in job security and severance pay--key demands in view of the fact that Freightliner is building a big new plant in Saltillo, Mexico, which is scheduled to produce 30,000 Freightliner and Sterling brand trucks when production begins next year.

Daimler's hard-line approach to Freightliner unions in the U.S. bears little resemblance to the employee-worker "co-management" mandated by German law. The UAW fought a long battle to organize Freightliner's Mt. Holly, N.C., plant, finally gaining recognition in 1990, and carried out a 16-day unfair labor practices strike to win a contract the following year. But as Freightliner expanded production in the region, it did its best to keep the union out.

After Daimler's merger with Chrysler in 1998, the UAW tried to leverage its relationship with Chrysler to push for the company's neutrality in union organizing drives. Instead, the company dug in.

A key factor was the arrival of Daimler's Rainer Schmueckle as president and CEO of Freightliner. His heavy-handed tactics created an opening for UAW organizers. At the Gastonia, N.C., truck parts plant, for example, workers were upset over a 5 percent wage cut and higher health insurance costs.

But just a day before an NLRB-supervised election, Gastonia management threatened workers with job loss if they voted to bring in the UAW. The UAW lost the vote, with 322 in favor of union representation and 346 against. The NLRB, which has taken a decidedly pro-management tilt under the Bush administration, nevertheless ordered a new election because of management intimidation.

In the end, the Gastonia plant was unionized--not through an NLRB election, but through a "card check" agreement in which DaimlerChrysler agreed that its nonunion operations would recognize the union if and when a majority of workers signed union cards. Nate Gooden, then director of the UAW's Chrysler and heavy truck department, predicted that DaimlerChrysler's Mercedes-Benz plant in Tuscaloosa County, Ala., would be organized "very, very soon, I think in less than a year."

Nearly five years later, the Alabama plant remains nonunion after the UAW failed to win sufficient support. (The union hasn't succeeded in organizing any foreign-owned plants that aren't part of joint ventures with U.S. companies.) In 2006, the IAM launched its own attempt to organize the Alabama Mercedes plant, which has yet to yield results.

At the Freightliner plants in North Carolina, however, the UAW was able to score a success. In late 2003, workers in the Gastonia plant supported unionization via card check. Their counterparts in Cleveland, where a \$1.15 wage cut had been imposed, also got organized through card check.

In 2004, the UAW won through card check at the Thomas Built Bus plant in High Point, N.C., but a complaint by an anti-union worker led the NLRB to overturn the recognition. A year later, the UAW narrowly won again, with 714 signing cards for the union out of a total of 1,300.

But if Freightliner couldn't stop unionization, it was able to impose conditions on the UAW. In August 2002, management met with union officials to discuss a "framework" for card check procedures. The details of the agreement were revealed in a lawsuit by anti-union workers supported by the anti-labor National Right to Work Legal Defense Fund.

In a document signed by the UAW's Gooden, the union agreed, among other things, that there would be "no wage adjustments provided at any newly organized plant prior to mid-2003." A memo from Freightliner human resources manager Scott Evitt also revealed that Freightliner insisted on canceling a wage increase for the unionized Mount Holly plant in December 2002, cancellation of a profit-sharing bonus and benefit "cost-sharing" by employees.

Other aspects of the pre-agreement, which was to be in effect for five years, included a ban on guaranteed employee transfer between Freightliner business units; no additional limits on overtime scheduling; company control over production standards and job qualifications; a ban on strikes during the life of the contract other than health and safety issues; and "no future expectations that any Freightliner business unit will be required to meet 'UAW pattern' agreements."

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WHATEVER THE agreement reached by the UAW and Freightliner, a network of activists in the Cleveland plant were already building a union from the bottom up.

Allen Bradley, an electrical contractor with multiple licenses, joined the UAW Voluntary Organizing Committee (VOC) to organize among his fellow skilled trades employees. Also on the VOC was Glenna Swinford, who had worked at Daimler's Mercedes truck plant in Hampton, Va., from 1980 until it closed in 1990, before transferring to Freightliner.

Robert Whiteside, who had been part of unsuccessful union drives in previous jobs, threw himself into the VOC, as did Franklin Torrence, who had been working at the plant for the previous decade. The activism of these and other VOC members helped the UAW overcome the resistance that management had mounted in Gastonia and High Point.

The first contract in the plant was ratified in 2003. But there were still plenty of issues in which the workers clashed with management, with health and safety among the most important. David Crisco, who had been working for an insurance company before starting at the Cleveland plant soon after the contract was ratified, agreed to run for a union committeeman (shop steward) position just a couple of days after he was eligible to do so.

What spurred Crisco to get involved was the number of injuries he saw--a man whose leg was run over by a truck, another killed because he stepped around a parked truck into the path of another, and a woman whose arm was twisted out of her shoulder socket because her wedding ring was caught in a machine. She had never used the machine before, and had no training, Crisco said. "I saw many things that could have been avoided that management just overlooked," he said.

Crisco soon piled up more grievances than any other member of the shop committee, and he won a good deal more than he lost. "I was fired a couple of times and walked out of the plant a couple of times," he said. "I always changed out of my UAW shirt first, because I didn't want to give them the satisfaction of seeing someone in a union shirt taken out of the plant."

It wasn't until the 2006 local union election that Crisco teamed up with the others who would become the Freightliner Five. "I didn't vote for Robert Whiteside for shop committee chair because I didn't know him," Crisco said. Soon, the two men were working closely, writing grievances and addressing issues on the shop floor.

“Robert Whiteside is the epitome of a labor leader,” said Crisco, recalling Whiteside's working 16- to 18-hour days despite a paycheck based on a regular workweek. “He's polite and professional, but when you stepped on his peoples' toes, you unleashed a lion.”

Management immediately made it clear what it thought of Whiteside, the union's leading African American official. “The previous shop committee chair had a nice office, with a secretary paid by the company,” Crisco said. “But when Robert was elected, they put the office in a metal hole in the back of the plant and took the secretary away. I asked him, 'Brother, do you think you're the wrong color for this company?' He said, 'It sure looks that way.’”

There were three other “thorns in the side” of management, Crisco says. One was Franklin Torrence, chair of the local's civil and human rights committee, which regularly investigated management for violations of racial and gender discrimination. Torrence, an activist in the NAACP, is also active in the Coalition of Black Trade Unionists, the A. Philip Randolph Institute and serves as his local's delegation to the Charlotte-area labor council.

Asked at a Chicago solidarity meeting February 2 about the connection between union and racial justice issues, he replied simply, “Workers' rights and civil rights walk down the same road.”

Torrence's co-chair on the civil rights committee was Glenna Swinford, who earned management's ire during the 2003 contract talks for opposing mandatory random drug testing.

“They called me the drug queen after that,” she said. “But we had a series of terminations for substance abuse. I don't take drugs or even drink, but I think everyone has the right to be protected from false-positive tests,” she said. She succeeded in getting testing at an off-site, licensed facility included in the 2007 contract.

Another thorn in management's side was Bradley, who was skilled trades chair and an expert on the plant's equipment, and the health and safety risks it posed, Crisco said.

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WITH THE election of the five to the bargaining committee, health and safety took center stage in negotiations. The contract expired on March 31, 2007. The next day, the company presented its final offer, with 22 articles still to be negotiated and 86 unresolved issues on health and safety.

Management informed the bargaining committee that there would be no contract extension--therefore, a scheduled Good Friday holiday was cancelled. Workers also reported that they were told that their health insurance was cancelled.

Thus, on April 2, the bargaining committee voted 12 to 0, with four abstentions, to call a strike.

Local 3520 President George Drexel promised to support the bargaining committee. But a few hours into the strike, Drexel sent a recorded telephone message to union members calling off the strike on the basis that it had not been sanctioned by the UAW International.

Eleven members of the bargaining committee were terminated by Freightliner. Six were rehired later after signing a “last chance” agreement and a statement that they had been misled by Whiteside, Swinford, Torrence, Bradley and Crisco into calling the strike. Contrary to the impression given by some UAW officials, the remaining five terminated workers received no offer to return to work at all.

The Freightliner Five successfully fought to get unemployment compensation. But rather than defend them, Drexel sought to suspend them from office and put them on trial for alleged violations of union rules. That effort failed when the elected trial commission ruled against Drexel.

At a subsequent meeting, rank-and-file members of Local 3520 initially rejected the contract offer that had spurred the strike, but Drexel arranged a second vote, held inside the plant, from which the five terminated workers were banned. This time, it passed.

Drexel's efforts to remove the Freightliner Five from the union have complicated the fight for the workers' jobs. But the battle is far from over. According to Ellis Boal, a labor lawyer specializing in defending UAW members, the local has no basis for denying them union membership. "Indeed, they must have been in good standing to even be allowed a trial," he wrote in an e-mail message about the issue.

And so the struggle continues. "This issue affects us all--it affects unions everywhere," Whiteside said at the Chicago meeting. "It affects the future organizing in the South."

Bradley added, "What we want is justice from our employer. And what we would like to achieve is solidarity from our international union and our brothers and sisters all over the world."

What you can do

For more information about the Freightliner Five, go to [www.justice4five.com](http://www.justice4five.com). The Five are asking for donations to help them in their struggle--you can contribute on the Web site.  
[http://www.socialistworker.org/2008-1/663/663\\_08\\_Freightliner.shtml](http://www.socialistworker.org/2008-1/663/663_08_Freightliner.shtml)