

# WSWS interviews victimized North Carolina Freightliner workers

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The WSWS interviewed four of five Freightliner workers who were victimized by management and the United Auto Workers union following an unauthorized strike at the truck maker's Cleveland, North Carolina plant in April 2007. Members of UAW Local 3520, the group, known as the "Freightliner Five," are Robert Whiteside; Allen Bradley; Franklin Torrence; Glenna Swinford and David Crisco.

They have recently completed a speaking tour of Midwest and West Coast cities seeking to publicize their case and build support for their reinstatement. A May 9 support rally will be held in Cleveland.

Freightliner is owned by German carmaker Daimler AG. The Cleveland facility opened in 1989 and is the company's largest and most profitable operation. The plant currently employs about 2,900 workers, but the company recently announced plans to go down to one shift and eliminate 1,500 workers on June 6, because of slow sales.

The five victimized workers were members of the Local 3520 bargaining committee. They were fired in April 2007 for their role in organizing an unauthorized strike against concession demands being sought by Freightliner, with the collaboration and support of the UAW.

The UAW won representation rights at the plant in 2003 by means of an agreement with management to use the "card check" procedure, whereby union recognition is granted if a majority of workers in a bargaining unit sign authorization forms. This procedure bypasses holding a union representation election by secret ballot. Unknown to the workers, in 2000 the UAW had signed a secret agreement with the company, pledging concessions in exchange for a neutrality agreement. In other words, the company agreed to support the UAW on the condition that the union agreed to enforce a sweetheart contract meeting management's requirements.

Negotiations began in February 2007 for a new contract, but the newly elected bargaining committee was not aware of the pre-conditions agreed to by the UAW in exchange for union recognition. Tension had been running high since the announcement by Freightliner in December that it planned to cut 1,200 jobs from the plants then workforce of 4,000.

By the time of the March 31, 2007 contract expiration, the two sides were still far from an agreement. The company was demanding concessions, which included an expanded two-tier wage structure, cuts to retiree health care, and a pay freeze for the majority of workers. There were also many unresolved health and safety issues. Further angering workers, the proposal failed to even match terms offered to UAW members at other facilities, including the Freightliner plant in Mt. Holly, North Carolina.

However, management told the bargaining committee that it had presented its "last and final offer" and insisted that it be presented to the membership for a vote. Meanwhile, UAW International officials, who had been sitting in on negotiations, left town.

Unwilling to continue working without a contract, the bargaining committee voted unanimously for strike action without waiting for authorization from the International, the membership having previously voted strike authorization by a 98.4 percent margin. The walkout began

April 2, the day after threatened layoffs were to take place.

However, within a few hours the UAW intervened to squelch the strike. It negotiated a contract extension with the company on its own and took over negotiations, bypassing the elected bargaining committee. It then accepted the concessions contract that the bargaining committee had previously rejected. When the membership voted down the contract, the UAW intervened to force a re-vote. After intense threats and browbeating of the membership, the UAW secured ratification on the second try.

The 11 members of the bargaining committee were fired by the company with the tacit agreement of the UAW. Another 700 workers who participated in the walkout faced disciplinary charges.

Following the ratification vote, six members of the bargaining committee were re-instated after signing "last chance" agreements, meaning they could be fired for even the smallest infraction. The other five, singled out as the most militant, were effectively abandoned by the UAW.

UAW Region 8 director Gary Casteel, quoted in the April 18, 2007 edition of the *Charlotte Observer* expressed the attitude of the union bureaucracy to the victimized workers. "There are two things a company will take the hardest stance on—workplace violence and an unauthorized work stoppage. They are not going to reinstate them."

Following the strike the UAW brought the five up on internal charges for "behavior unbecoming of a union member" for leading a strike unauthorized by the UAW International. They were acquitted in a trial held by the local. However, they have still not been reinstated to their jobs, and no hearing on their case has been set. Despite being acquitted, the five were barred by the local leadership from attending a February union meeting.

*The following is the text of interview conducted by Jerry White and Jeff Lassahn with four of the five victimized Freightliner workers. Abbreviations are as follows: RW—Robert Whiteside; AB—Allen Bradley; FT—Franklin Torrence; GS—Glenna Swinford*

WSWS: What was the content of the card check agreement at freightliner?

FT: In order for Freightliner to agree to the card check, [the UAW] had this pre-agreement that made it impossible for us to bargain at the table. The card check procedure was like this: the union would come into the plant and be inside the facility for two weeks. The employees had to sign union cards, and once we got 50 percent of the employees, we were certified as a union. That was set up with the company and the UAW International.

AB: The preconditions to the card check agreement were actually concessions that the UAW was willing to take on behalf of our workers before we were ever organized, and we didn't know that was going to happen.

GS: The terms were no less than five years. That was signed by the vice president of the International at that time. The actual concessions were: no pattern agreement between Freightliner facilities; [no] cost of living, profit sharing or supplemental pay; no restrictions on overtime.

GS: Robert Whiteside and I, we served on the first bargaining committee, and we did not know about these preconditions when we went to the table. Matter of fact, we didn't even know a precondition existed until later in 2005-2006.

WSWS: *Could you discuss the process leading up to the last contract? Since you weren't aware of the pre-agreement, I understand you polled your members to determine what your demands should be?*

RW: We put out contract surveys, [to ascertain] the membership's wishes of what we go in and bargain for—improvements in benefits, wages, health conditions, and safety. The bargaining committee put all that together based on those contract surveys, and that's how we formed our demands for the negotiations.

WSWS: *So you did what you believed a union is supposed to do—question the members and be accountable to what they are seeking?*

FT: Absolutely.

GS: We did what our membership asked for...it was not our wishes of what to bring to the table, but the membership's wishes and their desires and what they sought to have in a contract.

FT: And prior to the strike, we went to the membership, and they gave us the authority, if need be, to strike. They voted 98.4 percent in favor of a strike.

WSWS: *So for many of these young workers, this would've been the first strike. What were some of the conditions in North Carolina for young workers and why would they have been determined to improve their conditions?*

FT: Right now the employees receive medical coverage on day one, and also short-term disability on day one. We were against the fact that they would have to wait 45 days or 90 days to get health coverage and one year for short-term disability.

WSWS: *So, they were seeking concessions in this new contract?*

AB: See, the membership sent us in for gains. They didn't send us in for concessions. That's what they were willing to strike over. When we had the meeting asking for strike authorization, we explained the situation to the membership, gave them examples of the concessions the company was trying to make, and they voted 98.4 percent to strike if they don't give us our demands.

WSWS: *Could you describe the strike itself, and the response of the UAW?*

AB: Well, the company walked away from the table, told us that they had given us their last, best and final offer, told us they were finished. The bargaining committee voted to take strike action against the company, we took it to the strike committee, which consists of the bargaining committee and the strike board, and we voted again to take strike action against the company. Our strategy was that we were going to go in on second shift, let everyone know what was going on, that the bargaining committee, the entire leadership of the local had decided to go on strike, that it was an unauthorized strike: that the International union had not sanctioned it, but, the contract had expired, the company left the table, we had no extension to the contract, and the company was not going to honor the upcoming holiday [Good Friday.] The president was going to put out a phone tree message that we were going on strike, without the International, but it was legal, and to tell first shift not to come in. The bargaining committee went into the plant and started informing employees that we were striking.

Once we were in the plant, we told all of the workers that we were striking and we let them make the choice on whether they wanted to leave. I'd say 80 percent of the plant came out. North Carolina is a right-to-work state, and we had people actually leave who were not in the union. (Management was telling non-union members that they had to stay). The phone tree message was not the message it was supposed to be, but one that he [the local president] had been told to say by Gary Casteel, Region 8 director of the UAW. Casteel told him [the local president] the strike was illegal, unsanctioned, unauthorized, and anyone participating in it could be disciplined up to termination. And he advised all the first-shift workers to come to work the next day.

AB: The local president broke solidarity with us.

WSWS: *Is it the case that the company's final offer was more or less the pre-agreement that was made between the company and the UAW?*

FT: Yes, I think that happened, I think the way you look at things now, looking back, I think negotiations between the International and corporate started way before they started with us. I think that the contract was being written before we even went to the table.

GS: Also, we did not see the economics package until 2 hours after the contract expired. And with the open articles and 86 health and safety issues, we weren't even supposed to see the economics package.

RW: The bottom line is that the rank and file is taken out of the equation in the negotiations. I do believe [there was] a discussion between the company and the International before we started. There were things that had already been agreed to; the health and safety had already been plugged into the agreement without our knowledge. We had issues with what the International was doing.

AB: They put that in our contract. They scare the hell out of the rank and file members, and then vote two and three times, four and five times, or ten or twelve times! Until they get them to vote for what they want. Which are the concessions that are beneficial to the bureaucracy at the UAW, and not the membership.

FT: A lot of our proposals, none of them ever hit the table. Holidays—we had asked for Martin Luther King [Day] off—and a couple more that never touched the table, because they already had an economic package and no gains ever came across. You could feel a chill in the room when the head company negotiator told us, "We've got planes to catch. We're going upstairs to take a shower. You take that economic package back to your membership you get it ratified and we'll discuss post-ratification." And we did not even get a rebuttal from the International.

Not only did they leave the table, they left the state, both of them. They had no intention of negotiating any other parts of the contract.

GS: Not only did they want us to accept the economic package they proposed, but they wanted us to take it to ratification and then leave the rest for after ratification. And the International wanted that!

FT: And not counting the 86 health and safety issues and 23 open issues, there were also other grievances, which never reached the table. We had members who were terminated, but none of those grievances were ever rectified. We had all this unfinished business.

GS: We were also referring to the job procedure, to seniority, layoff and recall, wage rates and overtime, these were important things to our membership! And the International and our company, they negotiated this after we were terminated.

AB: And our membership, when we did take it to our membership, the membership turned it down. Since then, they had a re-vote and scared the membership into accepting it.

FT -The company announced they were going to lay off another shift and the International went along with the local president, went inside the plant on company time and signed petitions to get a re-vote.

WSWS: *So the strike lasted for how long?*

RW: 4 hours.

WSWS: *How did the UAW International respond to it?*

AB: They said that it was an illegal strike. They got the company to fire five officers of our local, and went in and negotiated the open issues without our local, without the knowledge of the local bargaining committee that they were doing that.

FT: Even though they fired us, the company had no right to go in and negotiate without us... but the International played their part and allowed the company to do that

WSWS: *So you were terminated immediately after the strike took place?*

AB: Yes. We were told by our International that we were fired, not by the company. Jim Coakley [Administrative Assistant to UAW Vice President General Holiefield] told us, "We could not have written a better script for the company to get rid of [you]." He was smiling.

WSWS: *They didn't even give a suggestion that they would fight to defend your jobs?*

AB: Right. He said they were going in to fight to get our jobs back, but they were really going in to finalize the contract. They couldn't get us to accept the concessions when we were at the table, so they just went in and gave the company everything they wanted.

FT: If at any time the International wanted to get our jobs back, that would have been the time, before they went in there and negotiated anything.

WSWS: *After the strike was ended and you were victimized, they went and organized a re-vote?*

AB: Yes. Management walked hand-in-hand with our president and his people and got petitions signed by hourly employees ... Hourly [workers] were getting paid to go through the plant and get petitions signed to get a re-vote.

WSWS: *During this time was there an effort to discredit you; by the local leaders, by the International and management?*

AB: The International was doing it through our local. They had our president under control. Him and his people were actually slandering and vilifying five of the bargaining committee, not the entire, but only the terminated employees. And they did it for one reason: to get the remaining bargaining committee in line. The International was telling them we know you were in the plant, we know you participated in the strike, but we'll take care of you. Don't say anything, go along with everything we ask you to do, and that's what they did. They scared those guys.

WSWS: *You were charged with behavior unbecoming of a union member?*

FT: The president, along with a lot of his supporters, got a petition to bring us up on charges. Fifty-two members signed this. Those charges were brought to our local executive board, which Robert, Glenna and I served on. We excused ourselves from the proceedings, but the local executive board stated that [the charges were] indeed improper. Well, they appealed it to the International, and the International stepped in and said those charges were proper. This was an unauthorized strike, they lied to the membership. Well, we were put on trial for a whole week. The trial committee found us not guilty of those charges 6-1.

AB: There's one other thing you have to note—we were put on trial even after our membership said they did not want to have the trial. The membership of the local is the *highest authority*, the International can't...it states that as long as it doesn't go against the constitution, the membership is the highest authority of the local. The president, even after being challenged, proceeded to pick a trial committee. We appealed it, in a formal way, but when we appealed to the International through emails, and they told us get over it.

RW: The International's ruling was that we were guilty, before the trial. And they read that excerpt from their ruling at our union meeting, trying to discredit us in front of the membership.

AB: But the membership still voted not to have a trial.

WSWS: *The other terminated officers and members were rehired in May, but had to sign "last chance" employee agreements. What are those,*

*and why were they allowed by the union?*

AB: Well, the union is actually the one that negotiated those last-chance agreements for the employees. Our International servicing rep signed them.

RW: Those agreements state that we misled them, and with that they had to sign those things to get their jobs back, and the International endorsed those agreements.

GS: We calmly refer to those last-chance agreements as "stub-your-toe and out-you-go" agreements, because you sign those agreements that you will be a model employee for the remainder of your employment at Freightliner. You're subject to discipline at any time.

FT: One of the six who was reinstated, within less than a month he was terminated.

AB: On April the 3 Gary Casteel, our regional UAW director, made a statement to the press that the union would do nothing to get those terminated employees' jobs back.

WSWS: *What has been the response when you've had the ability to speak to rank-and-file workers elsewhere?*

RW: The trip to the Midwest was great. The response we had at each location: Chicago, Champaign, Flint—was great. The support has been great from the rank and file from other unions and other labor activists.

FT: The reception has been really good. A lot of labor activists heard the story and the story sort of sounds familiar to a lot of them. They've heard stories—not quite as bad—but almost identical to what happened to us, so they can definitely relate to what we're going through and what we're up against.

AB: It's an issue that lots of organized people are going through. It's not just the UAW. All of the unions are becoming concessionary, and all of the Internationals, or the majority of the Internationals, are not standing up for their members. That's what this whole issue is about. It's about the fact that we're fighting on our own, instead of our International union fighting for us. We're going out and having to solicit support, from the community, from the labor community, and others.

RW: One brother mentioned unemployment. When we filed for unemployment, we were informed by the International servicing rep that they would have an attorney there to represent us at the hearings for our unemployment. Well, when we got there, there was no one from the International there, and when the question was asked by the special judge, would the UAW be there and participate, the company answered the question stating, they wouldn't be there. Luckily, we planned ahead and had our own attorney.

FT: After they announced that termination, the UAW told us that we would have a speedy arbitration, within 6 to 8 weeks. It'll be one year in the next week, and we haven't had arbitration, and they haven't done anything to speed up the arbitration.

WSWS: *Your website states that the 2007 contract the UAW International endorsed at Freightliner was the first two-tier contract with a highly profitable company. In fall 2007, two-tier contracts were passed at the Big Three automakers, and American Axle is trying to force a wage-cutting contract as well. What do you think of the UAW's conduct in those struggles, considering their support for a two-tier system at Freightliner?*

AB: A lot of people look at the fight saying the automakers are losing money and use that as the justification for raping the employees. Our take on the entire situation is that the UAW is locked in a concession-granting mode, that's the only thing that they know how to do now. Instead of fighting these companies, they've been granting concessions since the early 80's, and they can't get out of that mode. They don't fight back to get any gains or keep any gains for the employees. They've given away everything at the Big Three. \$14 an hour for top pay, that's ridiculous. That's not middle class anymore, that's poverty wages in Detroit.

WSWS: *Franklin, were you shocked by this whole experience? You had brought the UAW in precisely to improve and strengthen the rank and file.*

*Was this an eye-opening experience for you?*

FT: Yes. It was a heck of an eye-opening experience. Three years ago we didn't imagine this kind of thing happening. Because it's hard to get people involved. There are people who would say, yeah, lets get the union in, but as far as being active? It's hard to get members to be really active in the union. We volunteered a lot of our time organizing, attending all union functions, being a part of the union in every way shape or form. To see this thing happen, yes, I'm shocked. To see five officers terminated sends a terrible message to the membership, and not only terminated, but sitting out here this long. What other rep or member is going to stand up for what he thinks is right when it's possible he could be terminated at any time, and to see his International union just lay down.

AB: It's all about solidarity, and there's been no solidarity for us from the International.



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