

US Appeals Court acknowledges UAW lied to Toledo Jeep workers

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In a ruling March 21 the United States Court of Appeals Sixth Circuit acknowledged that the United Auto Workers (UAW) had denied due process to a group of workers at Fiat Chrysler's Jeep complex in Toledo, Ohio involved in a lawsuit over the squelching of their grievance. The suit was brought by a group of former temporary part time (TPT) workers at the Jeep complex who asserted that they were denied seniority and other rights by management and the UAW.

The case further demonstrates the reactionary role played by the unions and indeed the whole system of US labor relations in denying workers their elementary rights, even those supposedly protected by contract agreements.

The court asserted, in opposition to the claims of the UAW to the contrary, that the union constitution permits the reinstatement in certain cases of grievances even after they are withdrawn. In the case, *Slight vs UAW Local 12*, workers are seeking the raising of their pay to Tier I level and back pay. The workers saw their pay slashed from Tier I to the substantially lower Tier II level when they were converted to full-time status after a long delay in 2013. They also lost all their accrued seniority amounting to six years per worker.

In a related case, former workers at the Toledo Jeep paint shop filed a lawsuit against the UAW and FCA over their firing in 2012. The workers claimed they were let go as part of a sweetheart deal to bring in lower paid replacements, in fact the same former Jeep TPT workers involved in the *Slight* lawsuit.

The former TPT workers found themselves in a Kafkaesque position after filing a grievance challenging the decision by management to hire them as full time workers at the lower Tier II wage, instead of the higher Tier I wage they were entitled to. The UAW quietly withdrew their grievance in January 2014 but did not

tell the workers until October of the same year. When workers protested, UAW officials told them that it was too late because the time limit for filing such protests had elapsed. Instead, they were told if they wanted to pursue their claims to file a lawsuit.

Workers then filed a lawsuit against both the UAW and management. However, the UAW sought the dismissal of the case on the grounds that the workers had not exhausted the appeals process within the framework of the UAW collective bargaining agreement.

In oral arguments, Circuit Court Judge Jeffrey Sutton noted the obvious absurdity of the attempt by the UAW and FCA management to argue that workers had failed to exhaust the internal grievance process while at the same time arguing that workers had no right to appeal the dismissal of their grievance within the framework of the union.

"It doesn't make the union look good," Sutton noted. He added incredulously, "You want to assert exhaustion but prevent them from exhausting? How can they be time barred (from appealing) if they didn't know about the withdrawal (of the grievance)? ... That's really a head scratcher."

While noting the absurdity of the arguments advanced by the UAW and FCA, the court granted the motion of the UAW and FCA for summary judgment against the former TPT workers on the grounds that workers had not exhausted the internal union appeal process. However, in an apparent concession to the workers, the court kept open the possibility of them continuing their lawsuit at a later date should their appeal through the union prove futile.

The court ruling noted that, contrary to the claims of the UAW, the workers had the right under the UAW constitution to seek the reinstatement of their

grievance. In its ruling the court pointed out that under Article 33 of the constitution, workers are allowed to appeal the unfair dismissal of grievances and that the International UAW President can waive time limits if the situation demands. It further noted that under provisions of a letter of agreement between the UAW and FCA a grievance could be reinstated if it is found to have been improperly withdrawn by the union.

Commenting on the Court of Appeals decision, a worker familiar with the lawsuit told the *World Socialist Web Site Autoworker Newsletter*, “They (the UAW) look like idiots. Their whole argument is that the workers didn’t exhaust the internal union process. They were lied to.”

The worker noted, “The judge opened a Pandora’s box for the union. If they allow the grievance to be reopened, everyone in the UAW who has been denied will try to go back in with their grievances.”

In a separate motion, Toledo Jeep TPT workers had sought reinstatement of their lawsuit on the grounds that revelations of rampant corruption inside the UAW Chrysler department warranted a further examination of their complaints. So far, three former UAW officials have been charged in relation to receiving bribes from FCA executive Alphons Iacobelli as part of a scheme to influence contract negotiations by keeping union leaders “fat, dumb and happy.”

The UAW international official directly responsible for squelching the grievance by the Jeep TPT workers was Troy Davis, who served between 2014 and 2015 as vice president of the Making our Children Smile Foundation, a dubious charity run by Norwood Jewell, former UAW vice president for Fiat Chrysler.

In his plea deal, Iacobelli admitted making hundreds of thousands of dollars in illegal payments to charities run by UAW officials, including the Making Our Children Smile Foundation. While Jewell has not been charged, his indictment seems likely given the rampant corruption so far uncovered in the FCA department. He has reportedly retained the services of a prominent white-collar crime attorney.

The lawsuit filed by the Toledo Jeep TPT workers further demonstrates the reactionary role played by the unions in suppressing workers’ struggles. The appeals court ruling remanding workers to the mercies of the internal UAW appeals process ensures further bureaucratic delays as union and management

collaborate to prevent workers from asserting their rights.

Kenneth Meyer, the attorney representing the Toledo Jeep TPT workers, told the *WSWS Autoworker Newsletter*, “At a certain point in the process the unions become the workers’ adversaries rather than their supporters. The courts have been particularly harsh, telling workers that even if the union lies to you, you have to go through their process.”

He continued, “It is very difficult for an average autoworker or steelworker to maneuver through the system.”

The role of the unions and indeed the whole collective bargaining process in imposing a legal straitjacket on workers was spelled out frankly by Shaun Richman, a former organizing director for the American Federation of Teachers, in a recent article in the *Washington Post*.

Richman writes, in relation to the Supreme Court case on so-called agency fees, that while guaranteeing the dues income of the unions American labor law “rewards employers with the *far more valuable guarantee* of the right to direct the uninterrupted work of the enterprise while union leadership has to *tamp down rank-and-file gripes and discord* for the length of the contract.”

In other words, the job of the unions is to police the workforce in the interests of enforcing management’s dictates. What Richman refers to at one point as the “peculiar” system of labor-management relations in the US amounts to little more than an unfettered management dictatorship in the factories presided over by company unions.

Workers face the necessity of breaking with the unions and building new, democratic, rank-and-file based organizations. These committees should declare the contracts negotiated by the UAW null and void and launch a fight for the reinstatement of all past concessions, including the elimination of all tiers and the hiring of all TPTs as full-time workers.



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