

LABOUR ACTIVISTS ARE FACING UP TO THE CHALLENGE PRESENTED BY A NEW GENERATION OF UNION-BUSTERS. KAY PARRIS REPORTS

In June 2003, warehouse employees of the UK-based Culina Logistics company were surprised to encounter a poster in their workplace proclaiming: "Your subscription bankrolls one-party communist states."

It was the work of a consultant, hired by the company to prevent organisation of the workplace by the British transport union TSSA. The anti-union drive, hostile and slick, used all means possible to meet its objectives, including this creative interpretation of the union's £80 per year contribution to the Cuba Solidarity Campaign. The tactic worked and the warehouse still remains union free.

A typical "counter-union" or "union avoidance" campaign using similar tactics, might go something like this:

First, a series of letters appear from the employer to all staff – love letters conveying management's appreciation of work done, hate letters about alleged union greed or corruption.

Next, popular supervisors are asked to hand out further anti-union material and to join managers in small private meetings with employees. A regular safety or staff meeting turns into a mandatory anti-union meeting. A few colleagues are asked to form a "no committee". Anti-union posters, caps, pens and t-shirts begin to flood the workplace.

The meetings start to get heavy. Employees are warned that union representation will ruin the company, lead to inevitable strikes and reduced benefits. Known union sympathisers are kept out of the meetings and begin to experience intimidation, perhaps even false or exaggerated allegations of malpractice and, ultimately, dismissal.

These are well known "US-style union busting tactics." In the US at least, most are coordinated by external "union busters", who are defined by the US national centre AFL-CIO as "labour relations consultants and law firms that counsel or direct employer opposition to employee organising activities."

**A billion dollar industry**

Union busting in the US is a billion dollar industry, with an estimated 10,000 professionals working in the field. At least 75 per cent of US businesses are thought to hire their services to counter union organising drives. In transport, National Express, First Group and Delta Airlines are just a few examples. Yet the right to organise is recognised in the National Labour Relations and Railway Labour Acts, which forbid any attempt by employers to interfere in union activity or discriminate against pro-union employees.

Ironically enough, these provisions for the

# ENTER THE HIT SQUADS

protection of organised labour have encouraged the union-busting industry to flourish. Labour regulations conflict with capitalist values and create demand for an industry equipped to help profit-hungry companies find legal loopholes. And indications are, first that business is growing, second, that it is growing out of the US and into other countries.

Globalisation has allowed big companies, including many anti-union companies, to spread their ethos into any country they choose to invest in. At the same time, growing competition in a globalised economy, and the swathes of deregulation that facilitate it, create cost-cutting incentives and the risk that an anti-union culture will develop.

Companies want to know what they can get away with legally, and how they can turn their workforces away from the unions. Even where there is no clear evidence of external union-busting advice, the influence of the union-bust-

ing strategists, whether direct or indirect, is apparent in every systematic anti-union campaign.

Following elections in the UK in 1997, the new Labour government passed legislation to guarantee union recognition where a majority of employees are in favour. The measure was of course designed to protect labour rights. But in response an army of "union avoidance" consultants in the US began licking their lips at the prospect of new business across the Atlantic.

**Legal grey areas**

PTI Labour Research Group based in Houston, Texas was one of the first US consultancies to express an interest in branching out to the UK following the advent of the Employment Relations Act in 1999. It has also found clients in other parts of Europe as well as in Canada and Puerto Rico.

The largely non-union carrier Delta Airlines

"Globalisation has allowed big companies, including many anti-union companies, to spread their ethos into any country they choose to invest in"

19 October 2004

Dear First Student – Crest Hill Employee,

I continue to have employees asking me how they can get the union card returned which they signed. One of the reasons these employees want their card back is that they feel they were misled and tricked by the union into signing this card.

Remember what I said earlier, the union is here for your money. Right now they act like your best friend. Make no mistake about it – they're not here to be your friend. Do you think for one minute they'd be here if they knew they weren't going to get any of your money in the form of dues? Of course they wouldn't.

The union has used deception in getting people to sign their



cards. They're telling some of you that by signing a card, you're only signing up to receive union material. This is not true! By signing their card, you're making an application to join the union and be bound by their bylaws and constitution, as well as paying union dues.

Remember, I told you earlier that they would tell you anything to get you to sign their cards.

Think about it. If someone comes to you and deceives you with false information while acting like your friend, could you really trust someone like that? Could you trust a person that has

to resort to being underhanded to get you to buy into their sales pitch? It tells me people that would do that do not have much respect for you. Thank you.

Marcy

Letter sent to employees of First Student buses in Illinois, US, as part of a consultant-aided anti-union campaign, which is being vigorously resisted by the union, SEIU.

in the US is believed to have spent millions of dollars on fees to anti-union consultants including PTI. Four years after fighting their last, unsuccessful, election, Delta cabin crew are once again engaged in campaigning for their right to join a union, the Association of Flight Attendants CWA. This is despite being harassed, threatened and watched by their employers.

"Delta management will spare no expense to keep the unions out," says Ellie Larson of the AFA. "However, we have become more sophisticated in our response, and have learned to prepare our internal flight attendant organisers in advance for company attacks."

The AFA keeps a website for Delta flight attendants ([www.deltaafa.org](http://www.deltaafa.org)) which includes advice on what to expect from employers during an organising campaign. One victimised worker writes:

"A manager called me over to a darkened corner of the room. Then more managers started circling around me. They had the state police waiting for me, claiming I was leafleting in the terminal without a permit. I wasn't. And all these managers knew it."

US law clearly stipulates that it is illegal to create an environment where employees can expect to be punished for considering the possible benefits of joining a trade union. Clearly however, the union busting consultants are being employed not only to find legal loopholes, but to advise more broadly on what can be got away with. It has been estimated that over a quarter of US employers illegally fire at least one worker during an organising campaign. Yet few complaints are pursued to the courts and, even if they are, penalties are minimal. In a case of wrongful dismissal, it can take up to 10 years to get a worker reinstated.

**Blatant union-busting**

The Burke Group, one of the biggest "union avoidance" consultancies in the US, is typically open about the services it offers: "union avoidance consulting, counter union campaigns, supervisory training, union vulnerability assessments, card signing mitigation, anti-corporate campaigns and more."

Corporate clients tend to be more tight-lipped, though the Burke Group's featured client list includes many well-known brands including Coca Cola, Honeywell, Mattell and Kmart. In the UK the Burke Group is believed to have been hired by T-mobile for its anti-union organising campaign, while Virgin Atlantic airlines admits to having hired the group for advice on "communication issues."

Transport outside of the US is a relatively well-unionised sector, in which employers may believe there is too much at stake to be open about any union-busting activities. Nonetheless, many transport unions are noticing the classically orchestrated union-bashing tactics that suggest the influence of consultants. The Burke Group has an additional members-only client list, and speaks of consulting work in "almost every sector." It has expanded its work beyond the US, not only to the UK but also to France, Canada, Mexico, Puerto Rico, the US Virgin Islands, Germany and Belgium.

Of course, not all union busters originate in the US. Australia's home grown talent, for example, includes Paul Houlihan, the man infamous in union circles for his advisory role in attempting to break the MUA, during the union's historic ports dispute with Patrick Corporation in 1998. Houlihan was a key consultant with the ACIL group, a company which according to the MUA

## Know your rights!

Management interference during union organising campaigns is ILLEGAL.

The National Mediation Board ("NMB"), the government agency that supervises union elections, has found the following carrier actions to be unlawful:

- Threats to withhold benefits if employees unionise
- Conferral of benefits once the organising campaign begins
- Surveillance, interrogation or polling
- Ordering removal of union pins or insignia
- Discipline of union supporters
- Captive audience meetings
- Voluminous company communication

In addition to these specific acts, any other carrier activity that is designed to undermine support of unionisation will be considered by the NMB in determining whether carrier interference has occurred. If you feel your right to organise is being interfered with, please fill out an AFA Interference Incident report and call the AFA Organising Headquarters.

Extract from the legal advice page on the Delta airlines AFA website: [www.deltaafa.org](http://www.deltaafa.org)



# Strong arm tactics in port of Mumbai

by Sangam Tripathy

In December 2004 the Transport and Dock Workers' Union organised 90 drivers, cleaners and other workers of Total Transport Company, a transport subsidiary of an established stevedore company operating in Mumbai port.

The union sent a letter to the employer requesting recognition and a date for negotiations over wages and service conditions. Furious at the move, the employer deployed hirelings of a suspected local mafia don and a scuffle between the workers and union activists on one side and the hired goons ensued.

When the union went to lodge a complaint with the police they found that the company had already filed a first information report (FIR) against the union activists, alleging they started

the fight. Subsequently up to 10 workers including union activists were taken into custody. "The union got them released the next day, but the company refused to take them back, and it was also a set back to our organising efforts", says PK Raman, secretary of the section.

It wasn't the union's first encounter with union-busting mafia. "This same don tried to gain a foothold in the port in 2003," says Raman. "He even managed to get one of his hirelings to stand for union elections and get elected as a vice president of the transport section." He had secretly promised the company that he would bust union activities and offered protection to the employers for a price. "Additionally they planned to secure dock entry permits and provide employment to their

gang members, as casual transport workers."

The union managed to counter these threats, despite the intimidation of its leaders. Members were cautioned about what was going on, and the vice president failed in his bid for re-election the following year.

Shortly after the organising campaign in December 2004, the private security firm hired by Total Transport took up a fight with some of the workers as they were entering the port premises. The company officer ordered that these workers be handed over to port security. This agitated their 75 odd co-workers inside the port, who decided to strike in support of their comrades.

The company retaliated and petitioned the port authorities that the dock entry permits of all 75 workers be invalidated. "We in turn complained to the port

authorities and asked them to be just and fair in dealing with the case," says Raman. "Instead, they allowed the company to work under a sister company's name and apply for fresh dock entry permits for new workers."

The union is still fighting the case for the 85 in total dismissed workers. "It's been four months and we are still stuck with conciliation proceedings. Meanwhile the workers remain out without work," says Raman.

► was "contracted by the Howard government to develop a covert war plan for the wharves."

Houlihan is also a member of the right wing think tank HR Nicholls which, the MUA believes, "formulated the anti-worker Howard agenda in this country and has been influential in developing the extremely reactionary policies of the major corporations doing business here."

There are many grey areas, where anti-union consultancy blurs into legal advice, political lobbying or political influence. But all over the world, unions are noticing that their struggles are intensified by the influence of outside groups or the taking up by employers of systematic union-busting strategies. Such was the impression of the Caribbean Congress of Labour in St Vincent earlier this year, for example, when it accused the Texan owner of Caribbean Star Airline of union-busting tactics following the dismissal of 10 pilots.

At the port of Murmansk in Russia, the Murmansk Sea Trade Port Joint Stock Company (MSTP JSC) has been engaged in a campaign to discredit the trade union (DUR) since the replacement of the company's director general in May 2004. Internal mail to the employers from the union is now turned away as a matter of policy, and mail sent to the union via the company is not accepted. Personal data is gathered on union members and then used against them.

"The employers then call in the workers and intimidate them with threats to eliminate their benefits or prevent their career progression,"

says ITF sub-regional coordinator in Moscow, Mikhail Lyakov. "These actions on the side of the employer have ruined all union activities."

Staff at Standart Kargo in Izmir, Turkey operate in an equally hostile anti-union environment. A number of employees lodged an application for membership of the union TUMTIS following an organising drive in 2004.

Management's response was to threaten them with dismissal unless they gave up their union membership – eight members refused and were sacked. Soon after this, gangs of thugs bearing guns, knives and sticks reportedly attacked workers and union representatives taking part in a legitimate and peaceful protest outside their workplace.

One the one hand we are witnessing in many countries the growth of ethical consumerism and its underpinning of a new era of corporate social responsibility, from which the trade union movement may benefit. On the other, the flourishing of the union-busting business in a competitive global economy can only assist the cause of anti-union hostility, particularly, it seems, in the post-9/11 era. In April 2005, the chief executive of Zambia Railways branded a legitimate strike the work of terrorists. A year earlier, Venezuelan metro union members were similarly denounced as terrorists following legitimate strike action.

Trade union resistance to anti-union policy has to be as firmly rooted in legal awareness as is the union-busting business itself. Where the union busters concentrate on legal loopholes

and weak penalties, union activists must fight to strengthen national labour laws so that they are less vulnerable to abuses. At the same time they must ensure that union members are aware of their legal rights and therefore less open to intimidation. And of course, as in any union challenge, strength comes from a united and focused membership.

The AFA follows a few golden rules when attempting to combat anti-union aggression. These include providing a rapid response to management allegations, utilising all possible means of communication including fliers, posters and websites and, most important, communicating with workers one on one.

"Workers at the target airline must take ownership of the organising drive," says Ellie Larson. "They need to have input regarding the agenda, the message, and the issues to be addressed. As always, the union plays an essential role as advisor, offering guidance, support, and coordination of the campaign."

The irony is that employers in many instances are paying more in consultancy fees than they would pay to reach the labour standards demanded by union representation of their workforces. Certainly they are paying more than they would like us to know. Take the case of the UK-based Culina for example. Had accountability regulations forced the company to disclose the fees it paid to its consultants, and withdraw its attempts to defame the TSSA, those warehouse workers would have understood just who was really bankrolling who. ◊