



A PROJECT OF THE AFL-CIO AND THE ECONOMIC POLICY INSTITUTE

Stories of Success and Perseverance by Workers Exercising Their Union Rights

Case studies come from published sources, including news articles and the Economic Policy Institute's 2017 report, "How today's unions help working people," and unpublished sources, including the unions that are working with the campaigns listed in this document.

Stories of Success—Workers Forming Unions and Winning Real Change for Themselves and Their Communities

Digital Journalists Organize for Diversity and Greater Job Protections

The changing media landscape has been a catalyst for newsrooms to organize. Editorial employees at many media outlets—including the New Yorker, New York Magazine, In These Times, Vice, Gizmodo Media Group (formerly Gawker Media), Salon, The American Prospect, Fusion, The Root, and ThinkProgress—have formed unions with the NewsGuild–Communications Workers of America or the Writers



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Guild of America, East. The Huffington Post, for example, ratified a contract in January 2017 that has provisions addressing editorial independence, the need to enhance newsroom diversity, comp time, discipline and dismissal policies, and severance in the event of a layoff. In early 2019, employees at BuzzFeed News announced that they were forming a union with the NewsGuild of New York, and would seek recognition from BuzzFeed News executives. In all, employees at 30 digital news sites have formed unions since 2015.¹

Graduate Students Who Work Advance Their Rights as Employees

In 2007, graduate students employed at the University of Chicago joined with the American Federation of Teachers to form Graduate Students United (GSU) to advocate for fair wages, health care coverage, and better working conditions and study policies. Graduate employees at public institutions have had the right to organize and join unions for decades. At private institutions such as the University of Chicago, rights of graduate employees have fluctuated depending on the political makeup of the National Labor Relations Board (NLRB).

In a 2016 decision, the NLRB recognized graduate students who work as teaching and research assistants at private universities as employees who have a right to unionize. That ruling bolstered union organizing at the University of Chicago and private universities nationwide. In October 2017, graduate students at the University of Chicago voted overwhelmingly for union representation. The university's administration, however, has refused to bargain with GSU and has filed a challenge with the NLRB to decertify the union.

Union organizers at Yale University in New Haven, Conn., and Boston College, two other private universities where graduate employees have voted for union representation, decided to work outside the NLRB to gain voluntary recognition. And graduate employees at Georgetown University in Washington, D.C., have followed a similar path. In November 2018, more than 83 percent of graduate employees at Georgetown University voted for union representation and delivered their intent to bargain with the university. The historic election established a new path to union recognition by circumventing the NLRB and, instead, certifying the vote through the American Arbitration Association. Georgetown's graduate employees are engaged in bargaining a first contract with the university and hope to address health care and income security, among other issues.



Members of the Georgetown Alliance of Graduate Employees (GAGE) stand in front of a building at Georgetown University's Washington, D.C., campus. Photo courtesy of the American Federation of Teachers.

Think Tank and Advocacy Employees Organize for their Own Rights

Employees at numerous think tanks and advocacy organizations in the Washington, D.C., region have formed unions with the Nonprofit Professional Employees Union (NPEU), part of the International Federation of Professional and Technical Engineers (IFPTE). Organizations whose employees are represented by NPEU include the Economic Policy Institute, the Center for American Progress, DC Jobs with Justice, Community Change, Center for Economic and Policy Research, International Labor Rights Forum, Many Languages One Voice, SumOfUs, United Students Against Sweatshops, and the Worker Rights Consortium.²

Maine Lobstermen Form Union to Increase Share of Profits

The Maine Lobstering Union formed in 2013 after the “boat price” for lobster had been declining for the past eight years to a 20-year low. It was the first fishing union in Maine in more than 75 years. The Maine Lobstering Union seeks to close the growing gap between what consumers pay to eat lobster and what lobstermen get. The union has purchased a wholesale lobster business. Union lobstermen who sell to the union co-op get market price for their lobster and also a share of cooperative profits.³



A lobsterman prepares a lobster trap off the coast of Maine. Photo courtesy of the International Association of Machinists and Aerospace Workers.

Cafeteria and Other Contract Workers Form Unions in Silicon Valley

In July 2017, more than 500 cafeteria workers who serve food at Facebook's Menlo Park, California, campus formed a union with Local 19 of UNITE HERE. The Facebook cafeteria workers organized to win higher wages and more affordable health benefits from their employer, Flagship Facility Services. According to the San Jose Mercury News, "thousands of contract workers such as janitors, security guards, and shuttle bus drivers at other major Silicon Valley tech firms, including Apple, Intel, and Google," have also formed unions.⁴ And drivers working for Facebook's shuttle services contractor are now covered under a Teamsters contract.⁵

Uber and Lyft Drivers Win Due Process and Other Benefits

In 2016, the International Association of Machinists formed the Independent Drivers Guild (IDG) as an organization for the Uber, Lyft and other for-hire drivers in New York City. To date, the IDG's successful campaigns include winning due process for

drivers who are deactivated by the companies, a tip option on the Uber and Lyft apps, bathrooms for drivers at JFK airport, and, most recently, adoption by the New York City Taxi and Limousine Commission of a minimum wage for drivers.⁶



Members of the Independent Drivers Guild gather on the steps outside of City Hall in New York City. Photo courtesy of the International Association of Machinists.

Striking Google Workers Force End to Forced Arbitration

On November 1, 2018, 20,000 Google workers around the world walked off the job to demand an end to mandatory arbitration agreements and stronger protections against sexual harassment. The company quickly agreed to end forced arbitration and made changes to improve the effectiveness and transparency of its policies addressing sexual harassment.⁷ Google workers continue to meet—often virtually—to discuss additional changes they would like at Google.

Hotel Workers Win Wage Increases and Critical Safety Measures

Housekeepers and food and beverage service workers at the New Orleans Riverside Hilton formed a union in 2017. They have since completed negotiations on their first collective bargaining agreement, which includes significant wage increases, protections against sexual harassment, and other improvements. Similarly, in December 2018, employees at the W Hotel in Hoboken, New Jersey, organized with the Hotel Trades Council and won significant raises, protections against sexual

harassment, health benefits, a defined benefit pension plan, time off to vote on Election Day, and other protections.⁸

In one of the largest walkouts ever in the hotel industry, in October 2017, nearly 8,000 housekeepers, food and beverage service workers, and other workers represented by UNITE HERE walked off the job to win better pay, benefits, a say on technology issues, and protections against sexual harassment. Under the banner “One Job Should Be Enough,” workers were on strike for up to two months in eight cities before reaching a settlement that includes significant raises, a voice on technology issues, GPS-enabled panic buttons for housekeepers to alert security staff if they feel unsafe with a guest when cleaning a room, and a ban on guests who have a history of sexually harassing workers, among other measures.⁹



Marriott workers strike for better pay and protections against sexual harassment. Photo courtesy of UNITE HERE.

Fast Food Workers Fight for Higher Pay and More

The Fight for \$15 campaign is working with fast food workers at McDonald's and other chains to raise pay, strengthen protections against sexual harassment, and win a voice on the job through a union. The campaign has also advocated at the state and local level for increases in the minimum wage, and has collaborated with the broader labor movement and allies on issues affecting workers. This advocacy has resulted in \$68 billion in annual raises for 22 million workers since 2012.¹⁰

One of those workers is Ernestina “Tina” Sandoval, 44, a single mother of two. She has worked at McDonald’s in Richmond, California, for five years and has only received raises when the state minimum wage increases. She works the graveyard shift. She walks, rides the bus to and from work, or depends on others for a ride. She is living with a friend because rent is too high in the Bay Area for her to get her own place. Sandoval and her coworkers documented hundreds of hours shaved from their paychecks weekly for lunch breaks that they never received.

After the Fight for \$15 rallied against wage theft at several McDonald’s, the company settled a wage theft lawsuit and paid \$1.75 million dollars in back pay to fast food workers.¹¹

Kimberly Lawson is a 25-year-old mother of one who works at McDonald’s, where she makes \$8.50 an hour. Because of her low pay, Lawson struggles to pay the rent and keep food on the table. She is currently living in subsidized housing with her daughter. She began organizing with her coworkers last year to win a \$15 minimum wage and union rights. Lawson was sexually harassed over the span of a year by one of her managers and she is working with the Fight for \$15 to hold McDonald’s accountable. She filed a claim with the Equal Employment Opportunity Commission along with 10 other McDonald’s workers in the spring of 2018. She and hundreds of Fight for \$15 workers, mostly women, held a speak-out in front of McDonald’s headquarters during the company’s annual shareholder meeting in Chicago.¹²



Demonstrators rally for better wages outside a McDonald’s restaurant in Chicago in December 2013. (AP Photo/Paul Beaty)

Professional Athletes Seek Union Representation to Protect Their Rights

Leslie Smith is a professional mixed martial arts fighter who spent four years fighting for the Ultimate Fighting Championship (UFC) until she was dismissed for union organizing. At the time of her dismissal, Leslie had won three out of her last four fights and was ranked ninth in the world in the women's bantamweight division.

Smith launched the union organizing campaign to address the UFC's misclassification of its fighters as independent contractors and the lack of comprehensive health care coverage or retirement benefits for UFC fighters. After the UFC cut her from its roster, Smith filed unfair labor practice charges against the UFC with Region 4 of the National Labor Relations Board, but the NLRB General Counsel's office in Washington, D.C., directed Region 4 to dismiss the charges. Since being removed from the UFC, Smith has formed Project Spearhead and is working to form a union for UFC fighters.¹³

In November 2018, major league soccer players won voluntary recognition from the United Soccer League for their new union, the United Soccer League Players Association. The league did not fight the players' organizing campaign because both the players and the league believe a collective bargaining relationship will be beneficial.¹⁴

UFCW Creates Employment Opportunities in Iowa for Displaced Puerto Ricans

In 2017, Seaboard Triumph Foods (STF) opened a new pork processing plant in Sioux City, Iowa. The company was having trouble recruiting workers, particularly for the second shift. The United Food and Commercial Workers International Union (UFCW), which was working with STF employees to form a union, reached an agreement under which STF would be neutral and respect its workers' choice about forming a union. The UFCW also agreed to help STF with recruitment. UFCW then worked with a Puerto Rican community group in Florida to reach out to people who had recently been displaced by Hurricane Maria. The UFCW found 100 available workers in two weeks, and negotiated a relocation package with STF to bring people to Iowa. The relocation package included housing, rental assistance, reimbursement for travel expenses, commuter pay, lunch vouchers, an extra hourly wage, and bonuses at six and twelve months. The UFCW helped applicants fill out employment eligibility forms and register to vote in Iowa, and provided pre-employment drug screenings. The bargaining unit at the Sioux City plant now has over 2,000 members.



Workers at Seaboard Triumph Foods process pork. Photo courtesy of United Food and Commercial Workers International Union, AFL-CIO, CLC.

Utility Workers Union Creates Jobs for Returning Veterans

The Utility Workers Union of America has created the Utility Workers Military Assistance Program—U-MAP—to train returning veterans for careers as utility workers. Recently the union partnered with People’s Gas in Chicago to provide training and jobs for returning veterans.¹⁵

The union operates a similar program involving the Michigan State Utility Workers Council, the P4A fundraising group, and Consumers Energy in Michigan. This program has trained dozens of returning veterans to work in good union jobs.

Union Apprenticeship Programs Provide Careers in Construction

In the construction industry, union apprenticeship programs—with over 1,600 privately funded training centers in the United States—provide quality training that opens up job opportunities in the trades. Since 2016, construction unions and their contractor partners have registered an average of 60,000 new apprentices each year.¹⁶ In addition, construction unions and their industry partners created the

Helmets to Hardhats program to help transitioning service members find career opportunities in the construction trades.¹⁷ Over 27,000 veterans, including wounded warriors, have been placed in union apprenticeship programs and other positions in the construction industry.

Hospital Workers, EMTs, and Paramedics Win a Voice

In September 2016, 900 custodians, maintenance workers, lab techs, nursing assistants and others employed at Danbury and New Milford Hospitals, both managed by the Western Connecticut Healthcare Network (WCHN), voted to join Connecticut Health Care Associates, part of AFSCME. The workers were subjected to an anti-union campaign by the hospital, which hired third-party union busters who threatened workers and followed them around. The employer held captive audience meetings where union supporters were not allowed and were physically removed. Workers withstood the employer's campaign and voted to form a union.¹⁸

Emergency medical technicians (EMTs) and paramedics at American Medical Response (AMR) ambulance service in Washington, D.C., withstood an anti-union campaign by their employer and voted to form a union with AFSCME. The employer told workers that anyone supporting the idea of forming a union was the enemy. AMR held town hall meetings to campaign against the union, and even flew in a corporate vice president to argue against the union. Management also required workers to deliver anti-union literature to all of the ambulances at the end of their shifts. But the EMTs and paramedics voted to form a union and recently reached a collective bargaining agreement with the employer that raises base pay, provides regular wage increases in the future, and provides a better health care package.¹⁹

Teachers Strike for Better Schools and Fair Pay

The pay gap that has left teachers making far less than their similarly educated peers in other professions has been well documented by the Economic Policy Institute for years.²⁰ Together with the desire for greater investment in our public schools, inadequate teacher pay has spurred a wave of teacher strikes around the country. In February 2018, teachers and school employees in West Virginia engaged in a statewide strike to demand fairer wages and better teaching and learning conditions for students. Schools around the state were closed as teachers, school workers, students and community supporters converged on the State Capitol in Charleston to protest chronic disinvestment in public schools and the impact on

students, teachers and school employees. After shutting down schools for nine days, educators received a commitment for a 5% pay raise. Then, in February 2019, teachers went on strike again to stop legislation that tied their 5% raise to launching charter schools and providing tax breaks for private schools. After a two-day strike, teachers successfully killed the legislation, and they continue to mobilize for acceptable legislation that would implement their promised 5% raise.²¹



Striking West Virginia teachers and their supporters gather in the State Capitol in 2019 to protest a bill that would support charter and private schools. Photo courtesy of the American Federation of Teachers.

The West Virginia strike was an act of defiance and solidarity in a state where public sector workers don't have formal collective bargaining rights, spawning similar protests. In addition to West Virginia, since March of 2018, teachers have gone on strike in Arizona, Colorado, Denver, Kentucky, Los Angeles, Oakland, Oklahoma and Washington.

In September 2018, thousands of educators in western Washington state who are members of the Washington Education Association went on strike when school districts refused to use money appropriated by the legislature to fund salary increases for teachers. The appropriations were made in response to a 2012 court ruling saying the schools were insufficiently funded. Through their striking and solidarity, teachers won significant wage increases.²²

In January 2019, tens of thousands of teachers represented by United Teachers of Los Angeles, a joint affiliate of the National Education Association (NEA) and AFT, went on strike to win smaller class sizes and restrictions on the number of charter schools. Parents, students and Los Angeles residents overwhelmingly supported the teachers. After a six-day strike, a settlement was reached to make significant reductions in classroom size, increase the number of support staff, and cap the number of charter schools—significant victories for teachers and their students.²³

In February 2019, teachers went on strike in Denver for the first time in 25 years to address a compensation system that they viewed as unfair and inadequate. A settlement was reached after only a few days that substantially changed the compensation system in ways the teachers were advocating for.²⁴

Firefighters Win Protections That Increase Safety and Health

In April 2017, the Dearborn Fire Fighters Association International Association of Fire Fighters (IAFF) Local 412 reached an agreement with the City of Dearborn, Michigan, that will prevent “brownouts”—when stations or trucks are temporarily placed out of service—due to lack of personnel. The city council increased staffing from 128 firefighters to 140 firefighters, and the union was able to secure a contractual commitment to assign three firefighters to ladder trucks.²⁵

In Fort Worth, Texas, International Association of Fire Fighters Local 440 spearheaded a successful ballot initiative in 2007 to win opt-in by the city to provide collective bargaining rights to firefighters. Since then, IAFF Local 440 has bargained strong contracts that include innovative approaches to health care.

Stories of Perseverance—Workers Organizing in the Face of Employer Resistance

Nurses at Johns Hopkins University Face Anti-Union Tactics

Nurses at Johns Hopkins University in Baltimore, Maryland, started organizing with National Nurses United (NNU) in the spring of 2018. Nurses from across the hospital with experience levels ranging from less than a year to over 30 years believe that to advance the care of their patients and the nursing profession, they need a collective voice. Rather than supporting nurses’ efforts to improve patient care, Hopkins—

which is the recipient of millions of dollars of public tax breaks—is spending millions of dollars fighting the nurses’ organizing drive. Hopkins has hired third-party anti-union consultants to intimidate and mislead nurses against organizing a union. Nurses are forced to attend hour-long mandatory meetings led by anti-union consultants, often during their shifts, which takes them away from their patients. Nurses are subjected to a constant barrage of anti-union e-mails and flyers. While hospital management has unlimited access to nurses to promulgate their anti-union position, pro-union nurses have been barred from accessing or even speaking to their colleagues. Hopkins recently fired a pro-union nurse for her advocacy. The National Labor Relations Board has issued a comprehensive complaint alleging that Hopkins has violated federal labor law, and an additional charge is pending.



Nurses prepare to speak at a public hearing about barriers to organizing a union at Johns Hopkins University. Photo courtesy of National Nurses United.

Painters and Assembly Workers Fight for Representation

In May 2014, two groups of workers—painters and assembly workers—at the Terex facility in Grand Rapids, Minnesota, filed petitions to be represented by the International Brotherhood of Boilermakers. The painters voted to unionize in June 2014. The night before the painters voted to form a union, the employer laid off six painters and seven assembly employees, but did not announce the decision until after the election. Then, in the period between the painters election and the assembly election, the employer held mandatory meetings for employees that featured a profanity-laden tirade by the plant's general manager and the threat to close the facility if workers voted to unionize. The assembly workers did not vote to form a union. The NLRB ruled that the employer broke the law with respect to both elections by firing the workers and otherwise interfering with workers' choice to organize. But because of appeals, the employer is still refusing to recognize and bargain with the workers' union.

Ikea Workers Forced to Attend Anti-Union Meetings

In May 2016, the United Food and Commercial Workers International Union (UFCW) filed a petition to represent workers at an Ikea store in Stoughton, Massachusetts. Ikea subsequently held more than 25 mandatory employee meetings (also known as captive audience meetings) in which management made anti-union statements. The National Labor Relations Board found that Ikea's conduct violated the law by interfering with a free and fair election. This was the NLRB's second finding in two years that Ikea had likely committed unfair labor practices. In 2015, the NLRB indicated that Ikea unlawfully violated employees' rights to criticize management, to wear union buttons, and to communicate with others about their wages and working conditions. But after the NLRB became dominated by Republican appointees, the NLRB withdrew an unfair labor practice complaint it previously had issued against the employer.

To try to get Ikea to respect workers' rights, UFCW joined with trade unions in Ireland and Portugal where Ikea had also tried to curtail workers' rights to organize. The unions filed a claim with the Organization for Economic Cooperation and Development (OECD) for Ikea's violations of OECD Guidelines. Ikea Group is a signatory to the United Nations Global Compact (UNGC), which provides that businesses should uphold the freedom of association and the effective recognition of the right to collective bargaining. Ikea Group's internal code of conduct also

incorporates ILO Convention 87 concerning the Freedom of Association and Protection of the Right to Organize, and ILO Convention 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively. Currently, the OECD's national contact point in the Netherlands is assessing whether Ikea Group's global management breached obligations to stop activities that are causing an adverse impact on workers' rights. The UFCW and other unions are requesting that the OECD facilitate a mediation process with Ikea Group that results in a genuine, binding agreement not to interfere in union organizing.

National Captioning Institute (NCI) Workers Fired During Union Organizing

In 2016, workers at the National Captioning Institute started organizing a union with the National Association of Broadcast Employees and Technicians (NABET), which is part of the Communications Workers of America. The employer identified three union supporters and fired them. The NLRB investigated and issued complaints saying the terminations were unlawful. The company and the union reached a settlement in one case that involved a significant payment to the fired worker. The union is waiting on a ruling by the full NLRB in the other cases.

Boeing Flight Engineers Vote Overwhelmingly to Form a Union but Boeing Has Refused to Bargain with Them

In May 2018, a group of 176 flight engineers at Boeing's North Charleston, South Carolina, plant voted overwhelmingly to form a union with the Machinists union.²⁶ This action followed a larger organizing drive among all production workers in the plant that Boeing opposed with a fierce anti-union campaign that included captive audience meetings, television ads and billboards criticizing the union, and other anti-union activities, including anti-union and anti-Machinists statements by the sitting governor. Despite the overwhelming vote by the flight engineers to form a union, Boeing refused to bargain with the flight engineers, despite the fact that Boeing has a longstanding collective bargaining relationship with 35,000 Machinists around the country. Then, things went from bad to worse: Right before Christmas 2018, Boeing fired six pro-union engineers. In response, the Machinists union started a GoFundMe page to support the fired workers. Rich Mester, one of the fired workers, said, "My family has been amazed by what all of you have done for us. All of you should know the love and support has made an impact on me and my family."²⁷



Boeing flight engineers in North Charleston, South Carolina, joining together to form a union pose for a picture. Photo courtesy of the International Association of Machinists.

XPO Logistics Workers Face Well-Funded Anti-Union Campaign

In 2014, workers at several locations of XPO Logistics, a transportation and logistics services company, started to organize a union with the Teamsters. In response, the company hired slews of third-party union busters and paid them tens of thousands of dollars to fight the organizing drive. The Teamsters have filed 23 election petitions with the NLRB since August 2014, and at seven locations, workers have voted to unionize. The employer has refused to reach a collective bargaining agreement with the workers, and has engaged in an aggressive campaign against the union. The NLRB has issued 33 different complaints against XPO for various alleged violations. The employer has told employees that joining the Teamsters will be futile, promised them benefits if they did not choose the Teamsters, discharged or suspended union activists, and withheld raises and bonuses from employees for choosing the Teamsters.²⁸



XPO intermodal drivers in Commerce, California, protest unfair labor practices. Photo courtesy of the Teamsters union.

FOX-TV Station Workers in Las Vegas Still Seek a Contract

Workers at FOX-TV in Las Vegas voted to form a union with the National Association of Broadcast Employees and Technicians (NABET-CWA) in October 2013, but the employer has stalled on reaching a first agreement, frustrating the workers and undermining their rights.

Nissan Workers in Canton, Mississippi, Seek the Representation Enjoyed by Their Counterparts in Other Countries

Nissan has 45 production facilities around the world. Workers at all of these facilities except the three plants in the United States enjoy union representation. Workers at Nissan's plant in Canton, Mississippi, wanted a union to address working conditions and hours. They were concerned about excessive line speeds, six-day work weeks, and potentially dangerous conditions. They also objected to a two-tier system Nissan implemented in which temporary employees were placed on Nissan's payroll with far inferior pay and benefits compared with "legacy" employees. The workers' organizing campaign had the support of clergy and civil rights leaders in Mississippi. But Nissan fought the campaign with a barrage of TV and radio ads, billboards and yard signs. In one five-day period, Nissan bought 108 TV spots on the Jackson ABC

affiliate alone. And Nissan forced workers to attend mandatory meetings where managers criticized the union and warned that the plant might close if workers organized. Union supporters were never given equal time to talk about the benefits of forming a union. The governor of Mississippi also actively campaigned against the union. The company's anti-union campaign worked—workers ended up voting against forming a union.²⁹



People gather in Canton, Mississippi, in March 2017 to march in support of Nissan workers. Photo courtesy of the UAW.

Charter School Teachers Are Being Deprived of Organizing Rights

The issue of whether charter schools are public—and therefore outside of the protections of the National Labor Relations Act—or are private has been exploited by charter school operators to deny charter school teachers of their right to organize and engage in collective bargaining. In New York State, where state law provides collective bargaining rights, the KIPP Academy Charter School has argued that teachers should not be covered by New York law, thereby denying charter school teachers a collective voice. And KIPP has taken the issue to the NLRB, which governs private-sector labor relations. The NLRB is dominated by President Trump's appointees, and recently asked for briefs addressing whether the NLRB should decline jurisdiction over charter schools, leaving charter school teachers with no protections at all.³⁰ And in New Orleans, where state law does not provide collective bargaining rights for teachers, Voices for International Business and Education (VIBE) has fought against teachers having a collective voice under the National

Labor Relations Act. The “heads we win, tails you lose” approach to teachers’ bargaining rights deployed by these charter operators has deprived thousands of charter school teachers of the opportunity to organize and engage in collective bargaining.

Workers at California’s El Super Grocery Chain Win a Significant Legal Victory

Hundreds of United Food and Commercial Workers (UFCW) members are employed at El Super, a California-based grocery chain. When their collective bargaining agreement with El Super expired in 2013, El Super refused to bargain in good faith for a new contract and engaged in an aggressive campaign to undermine the union. The campaign included mandatory captive audience meetings with CEO Carlos Smith. El Super unilaterally changed its vacation policy, refused to bargain, and, in January 2015, fired Fermin Rodriguez, who was an active union member and part of the negotiating committee, and who had been outspoken about workers’ concerns to the community and the press.

On June 30, 2015, the NLRB issued a rare “10j injunction” against El Super requiring the company to stop committing unfair labor practices and ensure that the workers’ rights to join and be represented by the union were protected. The NLRB’s decision to go to court against El Super was significant. In 2014, NLRB regional offices across the country made 144 requests for 10j injunctive relief but only 39 cases were authorized by the board for court action. In the El Super case, the board not only sought but succeeded in obtaining a court order, in July 2015, providing relief for the workers, including an order that El Super rehire Fermin Rodriguez with back pay.³¹ El Super’s workers and the UFCW won a significant legal victory in their nearly two-year struggle for respect and a fair union contract.³²

Tire Plant Workers Endure Threats as They Seek a Safer Workplace

In the fall of 2017, over 80% of workers at Kumho Tire in Macon, Georgia, signed cards seeking representation by the United Steelworkers (USW). Issues of concern at Kumho’s Macon plant included toxic chemical exposure, unfair workplace rules, low pay, promised but undelivered raises, and inadequate safety training. The workforce is majority people of color.

Kumho Tire, a South Korean based company, is the 14th largest tire manufacturer globally and was acquired by Chinese tire producer Doublestar Group in 2018. The

company's 3,700 workers in South Korea are organized by the Korean Metal Workers' Union.

In the lead-up to the union election, Kumho Tire ran a vicious anti-union campaign in Macon, subjecting workers to daily captive audience meetings, one-on-one grilling, anti-union videos playing on a loop on monitors in the halls and break rooms, and overt threats from supervisors. Consultants from the union-busting firm LRI (Labor Relations Institute, Inc.) were ever-present in the plant. Supervisors and consultants coordinated to spread threats of a plant closure and of job loss and to conduct anti-union surveillance and interrogation. After significant intimidation, union representation was voted down in October of 2017, 164–136.

Immediately after the election, Kumho Tire fired employee Mario Smith, a prominent union supporter, for a Facebook post that he made drawing attention to Kumho's bonus payments to supervisors for their union-busting activity. The USW fought the termination by bringing it to the attention of the NLRB, and maintains that the termination was plainly unlawful. Nevertheless, the Trump-appointed general counsel of the NLRB ordered that the charge be dismissed, using a dangerously narrow definition of protected activity.

After the USW filed objections to the election and numerous unfair labor practice charges with the NLRB, the NLRB issued a complaint alleging 39 unfair labor practices and a report finding merit to the objections. A hearing will take place in March of 2019.

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