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A Strange Case

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A Strange Case

Abstract
[Excerpt] The disconnect reflected in Bosch's action at the Wisconsin plant between promise and performance is the theme of a new Human Rights Watch report titled *A Strange Case: Violations of Workers' Freedom of Association in the United States by European Multinational Corporations*. The report details ways in which European firms have exploited weak US labour laws to carry out aggressive campaigns against workers' organising and bargaining in the United States. "A Strange Case" comes from Robert Louis Stevenson's famous *The Strange Case of Dr. Jekyll and Mr. Hyde*.

Keywords
Human Rights Watch, freedom of association, United States, multinational corporations, labor movement, organization

Comments
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A Strange Case

When workers at Robert Bosch's packaging equipment factory in Wisconsin exercised their right to strike against company demands for wage and benefit cuts in December 2004, management sent letters threatening to hire permanent replacements to take their jobs. Alone in the world, permanent replacements to break strikes are legal under US labour law. Faced with this 'nuclear option' available to American bosses, workers returned to their jobs on management's terms.

Based in Germany, Robert Bosch GmBh is a multinational firm with 270,000 employees worldwide. It is widely regarded as a socially responsible company. Last year, the Robert Bosch Foundation donated $100 million to non-profit organisations serving human needs around the world. In keeping with its socially responsible profile, Bosch has publicly declared its commitment to ILO core labour standards. But contrary to its commitment, Bosch violated an important ILO standard which says that threatening or using permanent replacements to break strikes violates workers' freedom of association.

The disconnect reflected in Bosch's action at the Wisconsin plant between promise and performance is the theme of a new Human Rights Watch report titled *A Strange Case: Violations of Workers' Freedom of Association in the United States by European Multinational Corporations.* The report details ways in which European firms have exploited weak US labour laws to carry out aggressive campaigns against workers' organising and bargaining in the United States. "A Strange Case" comes from Robert Louis Stevenson's famous *The Strange Case of Dr. Jekyll and Mr. Hyde.*

Companies cited include Germany-based Deutsche Telekom's T-Mobile USA and Deutsche Post's DHL, UK-based Tesco's Fresh & Easy Neighborhood Markets and G4S Wackenhut security, France-based Sodexo food services and Saint-Gobain industrial equipment, Norway-based Kongsberg Automotive, and the Dutch firm Gamma Holding. In each case the companies' tactics and actions violated international standards while remaining in compliance with weak US laws. Over and above that, management actions violated US labour laws, making the disparity between words and deeds even more dramatic.

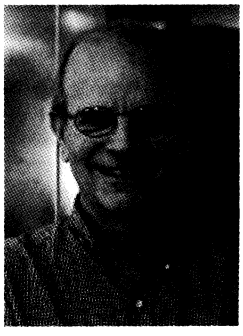
The Human Rights Watch report was based on worker interviews and workers' testimony in legal proceedings, findings and decisions of US labour law authorities, company documents, and written exchanges with company management. The report noted that all the companies cited endorse some combination of the core labour standards of the International Labour Organisation, the industrial relations guidelines of the Organisation for Economic Cooperation and Development, and the freedom of association norms of the Universal Declaration of Human Rights and the United Nations Global Compact, and other international human rights instruments.

Here are some more examples from the report:

- Deutsche Telekom has a Social Charter based on ILO standards and the OECD Guidelines statements on freedom of association, but T-Mobile USA management spied on workers engaged in organising and defined 'employees engaging in group behaviour' and 'talking about rights' as dangerous activity to be immediately reported to management.
- Deutsche Post has a code of conduct based on the Universal Declaration of Human Rights, ILO conventions, and the UN Global Compact, but its DHL management threatened and discriminated against workers who sought to exercise the rights set forth in these instruments.
- Saint-Gobain proclaims 'Principles of Conduct respecting the philosophy and spirit of the Global Compact', but US management refused to bargain with workers' chosen union about key terms of employment.
- Sodexo says, 'Since its creation, Sodexo has always recognised and respected trade unions', but it threatened, interrogated, and fired workers who tried to form trade unions in the United States.
- Tesco says it 'is committed to upholding basic Human Rights and supports in full the United Nations Universal Declaration of Human Rights and the International Labour Organisation Core Conventions', but its US Fresh & Easy management set a priority of 'maintaining non-union status' and stifled workers' organisational activity.
- Group4 Securicor holds up a 'Business Ethics Policy' committed to the Universal Declaration of Human Rights, but its US Wackenhut management threatened, spied on, and fired workers exercising rights established in the UDHR.
- Kongsberg Automotive cites the UN Global Compact, ILO core labour standards, and OECD guidelines in its corporate social responsibility pledges, but US management in Van Wert, Ohio offensively locked out union members while negotiations were still ongoing and brought in replacement workers.
- Gamma Holding signed a code of conduct that embraces the right to organise under ILO Conventions 87 and 98, but its management at National Wire Fabric in Star City, Arkansas, hired permanent replacements, in contravention of ILO standards, to take the jobs of workers who exercised the right to strike.
- A Dutch firm, Gamma Holding, went ahead and hired permanent replacements for United Steelworkers union members who exercised the right to strike at an Arkansas factory.

The HRW report concluded with recommendations for stronger 'due diligence' by European headquarters over American managers to ensure application of company commitments to international labour standards. It also called for a strengthened complaint mechanism under OECD guidelines and stronger oversight by government and European Union officials of European multinationals in their US and other foreign operations. Finally, the report recommended reforms in US labour law to come into compliance with international labour norms.

A new report details ways in which European firms have carried out aggressive campaigns against workers' organising and bargaining in the US



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