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Fighting Back: Workers Challenge Plant Shutdowns

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Fighting Back: Workers Challenge Plant Shut-downs

Abstract
[Excerpt] The United Electrical Workers union, at Allentown and elsewhere, has tried to develop tactics to block "final" plant-closing decisions. In their battles, UE members have challenged management-knows-best assumptions. Instead of offering concession packages, they have gone on the offensive. These efforts illustrate some possible strategies and tactics for labor in general.

Keywords
labor movement, union, worker rights, unionization, plant closings

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Union workers had little trouble reaching a contract settlement with Black & Decker in April 1984 after the company took over General Electric's main housewares plant in Allentown, Pennsylvania. Negotiations were peaceful, and Black & Decker said it looked forward to a long partnership with Allentown workers. But in November, Black & Decker announced it would close the plant.

The shutdown, planned for early next year, would eliminate the only union operation in the Black & Decker chain. Members of United Electrical, Radio and Machine Workers (UE) Local 128 called the decision a "betrayal" and, like some other union workers faced with plant closings, they are fighting back.

The union has set its sights on a weak spot—the company's entry into the housewares market. Black & Decker recently bought out General Electric's housewares division and soon must replace the GE label on the company's entry into the housewares market. Black & Decker was part of a larger WABCO (Westinghouse Air Brake Company) that once brought a decent living to the community's fight to prevent a plant closing.

T he Westinghouse Air Brake Company (WABCO) announced in 1981 that it would close an outmoded, five-story rubber mill in Wilmerding, Pennsylvania, where gaskets and rubber parts for rail-car braking systems were manufactured. The company told UE Local 610 that it planned to build a new rubber mill in North or South Carolina.

The Wilmerding mill, with 300 workers, was part of a larger WABCO transportation division employing 4,000. Dan Marguier, UE's business agent at the time, led the union effort against the closing. He organized a drive to gather political support to make the eminent domain threat a credible one," says Local 277 President Rod Poineau.

Faced with the threat of seizure, Gulf & Western stepped up its own efforts to sell the plant. It found a buyer acceptable to the union and the city, and the plant remains in operation today. Labor relations are "excellent," Poineau says.

Even an unsuccessful fight can have a positive effect. In Charleston, South Carolina, a UE local took action in June 1984 when General Electric gave notice that it would close a facility that manufactured steam turbine generator parts.

GE said it was forced to consolidate steam turbine operations at the company's base in Schenectady, New York, because of a drop in construction of new power stations. At the time of the announcement, the productive, fifteen-year-old Charleston plant employed 450 workers, 330 of them represented by UE Local 1202.
DAVID SUTER

Under a national collective bargaining agreement between UE and General Electric, the company provided one year's advance notice of the shutdown and would give hourly wage earners severance pay ranging from $12,000 to $15,000, as well as twelve months' extended insurance coverage and $1,800 each for retraining courses.

But the workers did not want to go quietly. Local 1202 formed an Alternative Use Committee to explore product lines that could take advantage of the skills and equipment at the workplace. The committee's economic conversion plan concluded that the Charleston plant could manufacture parts for alternative energy systems, environmental protection devices, and tanks, containers, and piping for the treatment and transport of hazardous waste. The union presented its plan to General Electric in October 1984 and demanded that the company either convert the plant or find a buyer who would.

At the same time, UE launched a statewide campaign to build support among labor, religious, political, and community groups. Catholic Bishop Ernest L. Unterkofler, who led a community forum on economic conversion, said that the UE plan reflected values expressed in the U.S. bishops' draft pastoral letter on the American economy. A Charleston legislator introduced a bill that would require economic conversion planning by any company contemplating a shutdown of operations in South Carolina.

"It was the biggest labor-community alliance in South Carolina since the '68 Charleston hospital strike," says State Senator Herbert Fielding, who played a key role in building the coalition that included participants ranging from Jesse Jackson, who led a plant-gate march and rally at the GE site, to Republican Senator Strom Thurmond.

General Electric went through with the Charleston plant closing in May, but UE members vowed to stay together and offer their economic conversion plan to potential employers. "We've got a ready-made force of skilled workers who can hit the ground running in a new operation," says Local President Carnell Gathers. "Sooner or later some company is going to want into this plant, and we'll be waiting for them."

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UE's 1982 fight to save the Simpson Dura-Vent plant near Oakland also ended with a closing. Shortly after UE organized workers there, the union learned that management was planning to shut the facility down and move operations seventy-five miles north to rural Vacaville. Labor and community pressures delayed the closing for six months and succeeded in securing severance pay, extended insurance, and transfer rights for the workers.

What's more, the publicity and lobbying by Dura-Vent workers and supporters convinced the Vacaville City Council to adopt the nation's first municipal plant
at least nineteen states and the U.S. Congress are now considering various forms of plant-closing legislation. The proposals face stiff opposition from business, and there is only a slight chance that strong measures will be adopted this year. In August, New Jersey Governor Thomas Kean vetoed one of the most promising bills—it would have required companies with fifty or more employees to give at least ninety days' notice of layoffs or shutdowns, carry health insurance for laid-off workers for six months, and provide up to twelve weeks' severance pay.

Five states already have plant-closing laws—South Carolina, Connecticut, Wisconsin, Maine, and Massachusetts. Some of the measures are of limited value, and some are worthless. Employers in South Carolina are supposed to give a shutdown warning one day before the facility closes; workers are required to give notice before quitting. "It's considered moot," says Gretchen Erhardt, associate director of the National Center on Occupational Readjustment, a Washington clearinghouse supported by business. The law has never been tested, she explains, and since most South Carolina workers are not required to give notice, the employer has no reciprocal obligation.

Connecticut does not demand notice, but large companies must extend the health-insurance coverage of laid-off workers. Bankrupt businesses are exempt, and there is no provision for severance pay. When the state's largest brass producer closed last March, the 600 workers did not receive termination compensation.

In Wisconsin, employers of 100 workers or more have to give sixty days' notice of layoffs or shutdowns that affect ten or more workers. The law has been widely ignored, in part because the penalty for violating it is so small—$50 fine for each person terminated. "It's very clear that the penalty is not a great incentive to comply," says James Stelsel, who administers the law. "The employer would pay a $50 fine in one's own wages." Though Stelsel's department makes sure that wages owed to displaced workers are paid, the state shies away from enforcing its notification requirement. "In some cases, it would cost the taxpayers more to prosecute than they'd get back," he says.

Maine asks for sixty days' notice and mandates severance pay: Workers employed at least three years are entitled to up to six weeks' pay for each year of employment. Since 1979, the state has recovered $3.5 million for 3,600 employees, according to Royal Bouchard, an investigator for the Bureau of Labor Standards in Augusta. (Actually, $1.2 million is still being contested, and one company has challenged the law in Federal court.) Some employers have fled for bankruptcy to escape the state's reach. Furthermore, just thirteen of the thirty-four companies that eventually paid severance had given notice as required by law.

The law in Massachusetts was hailed as a model when it was signed a year ago. But it, too, has problems. Only those companies that receive funding from quasi-public agencies are required to sign a "social compact," promising to give ninety days' notice of anticipated shutdowns. None of the eighty-four plants that closed in the first six months of 1985 had signed the compact. Some gave notice anyway, but others did not. Still, Massachusetts provides extra unemployment compensation and health insurance to workers who lose their jobs to shutdowns. And it established a stabilization trust that has thus far rescued twoailing businesses employing 290 persons, says Assistant Secretary of Labor Michael Schippuri.

According to Markley Roberts, an AFL-CIO economist in Washington, D.C., a national plant-closing law would help "minimize suffering" more effectively than disparate state measures. "There is the argument—I don't think it's valid, but it's popular with politicians—that states with plant-closing legislation are less competitive than ones without it," he says. "That's an important explanation for the non-enforcement of existing laws."

A bill sponsored by Representative William Ford, Michigan Democrat, would require enterprises with fifty or more employees to give ninety days' notice of plant closings or mass layoffs. Whether the proposal can clear the Republican-controlled Senate is questionable. But this is certain: The reform comes too late for the 11.5 million Americans who lost their jobs to shutdowns and layoffs between 1979 and 1984.

—KEEaN PECK

(Keeen Peck is an associate editor of The Progressive.)

closing law. The ordinance barred public financing for companies seeking to run from other California locations to Vacaville, thus stripping Dura-Vent of its industrial revenue bond. It also established from other California locations to Vacaville-Santa Cruz, Berkeley, and Oakland. For employees transferring into Vacaville, away shop and guaranteed resident status for employees transferring into Vacaville, away shop and guaranteed resident status for employees transferring into Vacaville, away shop and guaranteed resident status for employees transferring into Vacaville, away shop and guaranteed resident status for employees transferring into Vacaville, away shop and guaranteed resident status for employees transferring into Vacaville, away shop and guaranteed resident status. The proposals face stiff opposition from business, and there is only a slight chance that strong measures will be adopted this year. In August, New Jersey Governor Thomas Kean vetoed one of the most promising bills—it would have required companies with fifty or more employees to give at least ninety days' notice of layoffs or shutdowns, carry health insurance for laid-off workers for six months, and provide up to twelve weeks' severance pay.

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Workers in other unions have fought hard against plant closings, too. The United Steelworkers and their community allies in the Tri-State Conference on Steel have used twenty-four-hour vigils and mass rallies to rescue U.S. Steel facilities in Duquesne, Pennsylvania, from an appointment with the wrecking ball. A Bakery, Confectionery and Tobacco Workers local, in solidarity with locals at nine other plants around the country and backed by an aggressive community organizing effort, persuaded Nabisco in 1982 to reverse its decision to close a Pittsburgh facility. That same year, the United Auto Workers (UAW), with help from the University of Alabama, put together a plan for modernizing GM's parts plant in Tuscaloosa and convinced the automaker to keep the facility open. Chrysler, too, put aside plans to close a Detroit forge plant after UAW members there outlined ways to renovate and rebuild the facility without interrupting production.

Unfortunately, corporate executives still hold the trump card—the legal right to shut down facilities regardless of objections from workers, unions, or communities. Unions lost the combative influence of communists, socialists, and other radicals in their Cold War rush to conformity, and now the mainstream labor movement fights over workers' share of the economic pie without challenging the system that bakes it. Perhaps that will change as unions begin to look carefully at each plant closing and fight back with tactics that take advantage of companies' vulnerabilities. The record surveyed here shows that victories are possible—even under current conditions—and that important political education can be carried out, win or lose. Labor resistance, political pressure, and public relations warfare hurt employers in the marketplace and force them to think twice about shutdowns. Such techniques can build momentum for a Federal law stripping companies of the absolute right to close plants, and help reestablish a spirit of militancy that can animate the labor movement.