

INTERNATIONAL

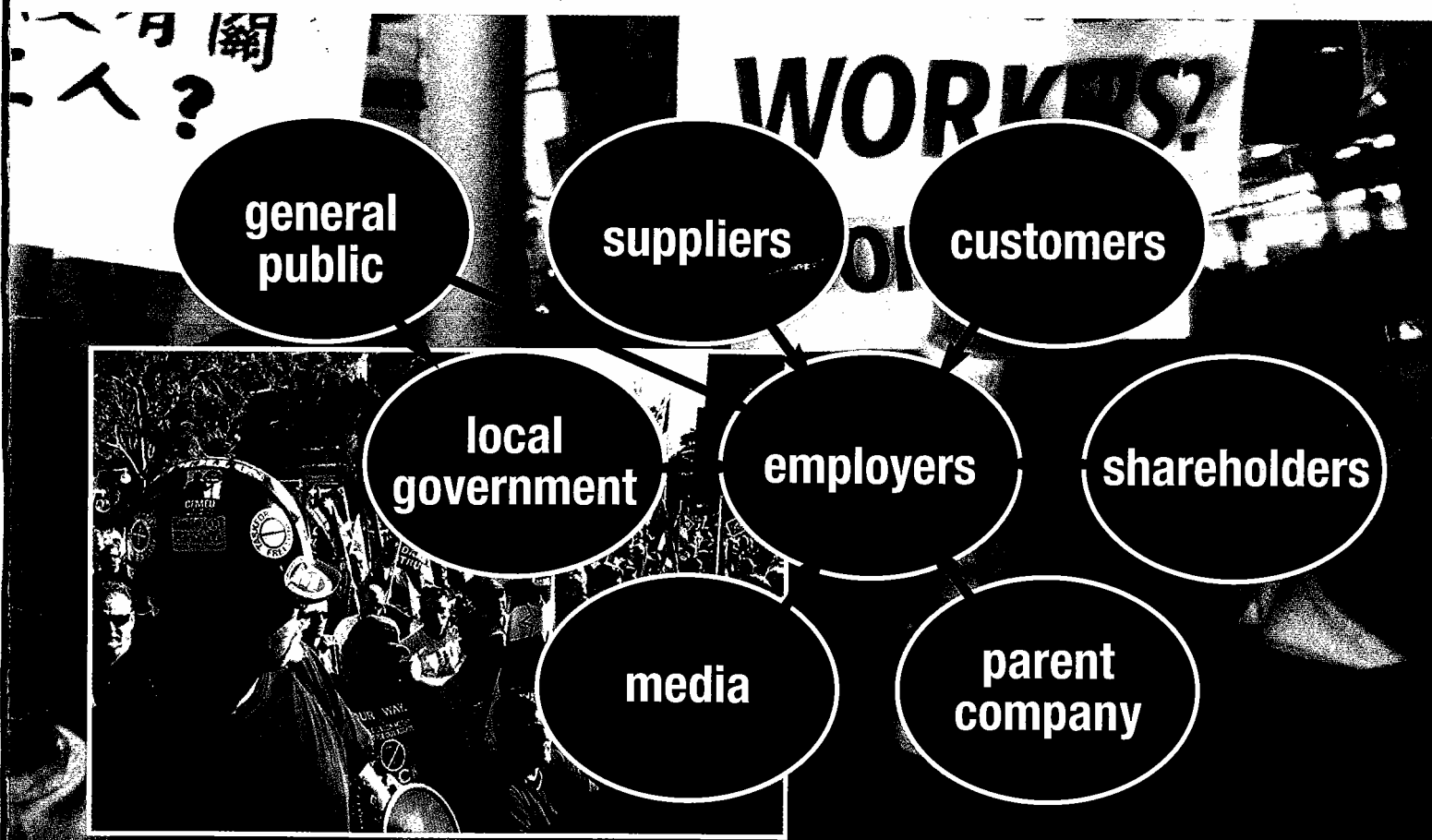
union rights

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INTERNATIONAL CENTRE
FOR TRADE UNION RIGHTS

IUR

Focus on strategic corporate campaigns



IUR brings together international perspectives on an innovative tactic developed by US trade unions

Success for international campaign at Covanta Energy

Although the right to union organisation is supposed to be a fundamental freedom protected under US and international law, it has become commonplace for US corporations to wage fierce campaigns against their own employees whenever workers decide to form unions. These campaigns are usually implemented by corporate law firms and other professional 'union busters', and are designed to intimidate workers into voting against the union.

In cases where a majority of employees stand up against these sophisticated intimidation techniques by voting in favour of unions, hostile employers often continue their anti-union campaigns to prevent workers from winning the protections of a first collective agreement. As a result of this flawed process, even in cases where employees vote for union representation, at least one-third of the employers never agree to a first collective agreement.

The struggle by workers at Covanta Energy's waste incineration plant in Rochester, Massachusetts is a case in point. This plant is one of more than 30 'energy from waste' incinerators Covanta operates throughout the US. These facilities contract with local municipal governments to burn trash and use the resulting energy to produce electric power.

In May 2008, a majority of 130 hourly employees at the Rochester plant voted for representation by our union in an election conducted by the US government's National Labor Relations Board. These workers wanted to form a union in part to try to improve appalling health and safety conditions, including employees required to change high voltage electrical gear while standing in inches of boiler wash water, accumulated piles of rubbish presenting fire hazards, inadequate protective clothing to reduce exposure to contaminants, and other unsafe conditions.

When workers petitioned for a union election, Covanta launched an aggressive campaign to persuade employees to vote 'no'. After the NLRB certified the union's victory, management sought to stymie negotiations by proposing unacceptable and even illegal contract demands.

For example, Covanta proposed work rules banning any solicitation or distribution of 'unauthorised' material anywhere on 'company property' or on 'company time'. This is a type of anti-union rule that has been illegal under US law for more than sixty years.

Covanta also proposed a rule broadly forbidding employees from providing unspecified 'information' about the company to 'media representatives, governmental officials or other person', including any 'external attorney' or 'investigator', without management's prior approval. Another work rule demanded by Covanta pro-

vided that workers may be terminated if they 'act in a manner that causes harm to . . . the Company's interests [or] reputation'.

We think these proposals are clearly unlawful and improperly intimidate workers from speaking out against unsafe working conditions, the ongoing labour dispute, or any other concerns they may have about Covanta's operations. In our view, this attempt to bar workers from exercising their freedom of speech is intolerable – especially in an environmentally-sensitive industry such as waste incineration.

Other demands Covanta has tabled in negotiations include an unlimited right to outsource all work in the plant to subcontractors, and the right to lay off workers without regard to seniority for layoffs lasting up to 30 days.

Despite the unfavourable legal environment in the US, our union has no intention of allowing Covanta to deprive these workers of their right to union representation and a fair collective agreement. The UWUA is resisting Covanta's improper demands at the bargaining table, and has filed a charge with the NLRB.

We are also determined to match Covanta's strategic initiatives – including its aggressive plans to build new incinerators not only in the US, but also in the UK, Ireland, and Canada. Our union turned to global union federations for support when we decided to extend our campaign overseas.

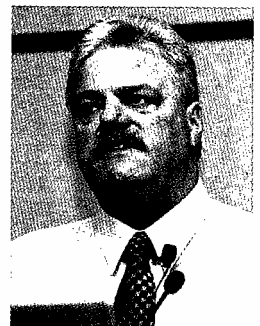
ICEM has been instrumental in our campaign, especially by enlisting British and Irish trade unions to bring our message to a grassroots level in communities where Covanta hopes to do business. In the UK, for example, the Trade Union Congress has requested its affiliates in the energy sector to support our campaign, and the national unions Unite and GMB are actively distributing UWUA campaign material to their local branches and members.

In Ireland, the Regional Secretary for Unite recently publicised the Covanta dispute at a national conference of the union's workplace representatives, and has offered to help coordinate solidarity with our members through the Irish Congress of Trade Unions. The ICEM has also secured support from Proinsias De Rossa, a Member of the European Parliament who has communicated his concerns about Covanta directly to city officials in Dublin, where Covanta plans to build a metric 1700 ton-per-day incinerator.

In Canada, we are working directly with sister unions to publicise Covanta's intransigent bargaining conduct to community leaders in British Columbia and Ontario, where the company also hopes to develop new incinerator projects.

■ For more information about our campaign visit our web site at www.cjcw.org.

International solidarity will play a key role in our larger campaign to win justice for Covanta workers in the US



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