

UWUA and Local 369 Campaign for First Union Contract at Covanta Energy

When workers at Covanta Energy's waste incinerator in Rochester, MA, decided to organize and seek UWUA representation, they were simply exercising a right guaranteed by federal law to join a union and negotiate for a union contract to improve their wages, benefits and working conditions.

Unfortunately, management responded with a fierce campaign to intimidate workers to vote "no" in the union election administered by the National Labor Relations Board (NLRB). The 130 employees stood firm against the anti-union assault, in a successful organizing drive led by UWUA National Representative Bobby Mahoney, Local 369 President Gary Sullivan, and Local 369 Vice President Dave Leonardi.

The Company Makes Illegal Demands

Even after the NLRB certified the workers' victory earlier this year, Covanta has sought to prevent them from winning a first union contract by making unacceptable and even illegal bargaining demands. The company's intransigence has prompted the Union to launch a wide-ranging campaign to win justice for Covanta employees – on the shop floor, in other U.S. communities where the company operates, and around the globe where Covanta hopes to build new plants.

"Covanta is following the standard union-buster's playbook, but it isn't going to work this time," observes Sullivan. "We are absolutely committed to helping these employees win the fair union contract they deserve."

The Rochester plant is one of more than 30 "energy from waste" incinerators Covanta operates around the U.S. These facilities burn trash from local municipalities and use the resulting energy to produce electric or steam power. The vast majority of the plants are non-union, and Covanta's conduct at the bargaining table makes clear it hopes to keep it that way.



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For example, Covanta has proposed work rules banning any solicitation or distribution of “unauthorized” material anywhere on company property or company time. The company also proposed a rule banning employees from providing any information about Covanta to the news media, government officials, or other “outside representatives” without management’s approval.

These kinds of anti-union rules have been declared illegal under U.S. labor law for more than 60 years. Even worse, management’s proposals came directly from rules included in Covanta’s employee handbook enforced at all of its U.S. locations – including at plants where workers have no union to protect them against unfair conduct.

The Union not only objected to the improper bargaining proposals, but also filed a charge with the National Labor Relations Board (NLRB) challenging

the handbook. The Union filed its charge in every NLRB regional office where Covanta operates any facility, and requested the company be required to remove the patently illegal rules from the handbook and notify employees at all Covanta locations that the rules will no longer be enforced.

Health & Safety Violations Abound

The Union has also acted to combat safety and health hazards in the plant, including reports of workers having to change out high voltage electrical gear while standing in inches of boiler wash water, piles of accumulated trash presenting fire hazards, rats throughout the plant, and other unsafe conditions.

One recurring complaint from workers is Covanta’s failure to provide coveralls with zippers to protect against skin contact with trash and other contaminants. Workers

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at the plant frequently contract severe skin rashes. “When we asked for coveralls with zippers instead of buttons, management told workers to use duct tape,” Leonardi reports. “Instead, we called OSHA to conduct a wall-to-wall inspection of the entire plant.”

Union Efforts Pay Off

Although OSHA has not yet issued its inspection report, the Union’s efforts have already paid dividends. Covanta workers report that in the days leading up to the inspection, the company worked overtime cleaning up accumulated trash and other long-standing safety hazards.

The parties have also made marginal progress at the bargaining table, although Covanta has still failed to make any semblance of a fair contract offer. Management recently withdrew its illegal work rule proposals from negotiations. The rules are still in force in the handbook, however, and the Union’s NLRB charge is still under investigation.

In the face of Covanta’s unfair tactics, the Union has publicized the company’s anti-worker track record to community leaders in cities across the U.S. where Covanta operates. One elected official – the Chairman of the Board of Supervisors in Fairfax County, VA – responded with a letter to CEO Tony Orlando urging him “to eliminate these draconian restrictions on employees’ expression” from Covanta policies.

Support from Unions Overseas

The Union is also matching Covanta’s strategic initiatives overseas by enlisting the support of unions in Britain, Ireland, and Canada. In the U.K., for example, the national Trades Union Congress has requested that unions publicize Covanta’s hostility to workers’ rights in the U.S., especially in the four British communities where Covanta has proposed new projects.

The Irish Congress of Trade Unions has issued a similar appeal. In September, a Member of the European Parliament from Ireland complained about Covanta’s conduct to city officials in Dublin, where the company plans to build a new incinerator.

In Canada, the UWUA is working with national unions to publicize Covanta’s intransigent bargaining conduct, and has appealed directly to community leaders in British Columbia and Ontario, where the company is also trying to develop new projects.

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UWUA members interested in learning more about the campaign for justice for Covanta workers should visit the Union’s Covanta campaign website at www.cjcw.org.

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NRC Regulation Changes

report FFD concerns. Because individuals are the first line of defense against the potential for fatigue-related impairment, it is essential that all individuals understand when and how to make a self-declaration.

If an individual is performing, or being assessed for, work under a waiver of the requirements and declares to his/her supervisor that, due to fatigue, he or she is unable to safely and competently perform his or her duties, the employer:

- Shall immediately **stop** the individual from performing any covered work, except if the individual is required to continue performing those duties under other requirements of the regulations, e.g., to meet minimum licensed operator staffing;
- Shall immediately take action to **relieve** the individual;
- Shall perform a **fatigue assessment** (unless a 10 hour rest break is given before returning to work);
- May reassign the employee to duties other than covered work, but only if the results of a fatigue assessment indicate that the individual is fit to safely and competently perform those other duties.

In Memoriam



Ronald Vanek
May 23, 1928 - October 1, 2008



William Dixon
January 24, 1933 - October 25, 2008

The UWUA recently lost two long time leaders, Ron Vanek and Bill Dixon.

Ron worked at Cleveland Electric Illuminating Co. for a number of years before becoming president of Local 270 in Cleveland, Ohio. He later joined the staff of the National Union as the research director.

Bill worked at Southern California Edison Co., became a Union steward and then president of Local 246. He joined the National Staff and was based in Region V.

Our thoughts and prayers are with their families.