

PUBLICATION

A Not-So-Happy Valentine's Day for UAW and Its Continued Efforts to Feel the Love

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On February 14, 2014, the results of a NLRB-conducted unionization vote by Volkswagen workers at the Chattanooga, Tennessee, plant were released. Plant workers voted 712-626 against representation by the United Auto Workers Union (UAW), with 89 percent of plant workers participating in the vote. Afterwards, VW President Frank Fischer said that VW would respect the decision of the workers, but noted the workers had not decided against a "works council." VW's stance during the election was officially neutral, but it did not allow anti-union groups to campaign at the plant and ultimately allowed UAW organizers ready access to voters in the plant. While VW has a German-style works council at most of its overseas plants, it is unlikely United States labor laws would allow for a works council without a union in place.

In the aftermath of the unfavorable vote, UAW filed objections with the NLRB, complaining that various politicians had improperly influenced the election by making statements suggesting that approval of the union would lead to negative financial consequences to the voting workers. The UAW specifically took issue with Senator Bob Corker's statements that a new SUV would be built at the Chattanooga plant if the union was rejected, which VW denied. Governor Bill Haslam also made statements about withholding tax incentives if the workers voted in favor of the union. UAW president Bob King called these statements and others an "extraordinary interference" in the election, and UAW's objections characterize the statements as a "widely-publicized coercive campaign" depriving VW's workers from exercising their rights.

To succeed on its objections and overturn the election results, UAW has to show that the politicians making such comments were doing so at the bidding of VW management, which it likely cannot do. If UAW's objections are overruled and the election results are certified by the NLRB, a new NLRB election cannot be held for the next 12 months.

The UAW does not run out of options at that point, however. In the meantime, UAW could continue establishing support among the plant workers, compile signed union authorization cards, and ask VW management to voluntarily recognize the union. In fact, VW could have voluntarily recognized the UAW without conducting an election, as the UAW claimed a majority of workers had signed authorization cards. Public relations considerations may have dissuaded VW from taking such action because the possibility of unionization at the plant garnered and continues to garner national media attention.

Alternatively, as the focus on unionization at the VW plant lessens, the UAW could spend the next year trying to unionize VW's suppliers. If the UAW can successfully unionize lower profile suppliers, the UAW may be better able to sell the idea of unionization to VW workers in the future by pointing to benefits the suppliers' workers have received.

In the meantime, as UAW's objections remain pending before the NLRB, two anti-union groups have filed petitions to intervene. The National Right to Work Foundation and Southern Momentum, both representing anti-union workers at the VW plant, claim that UAW and VW are in collusion to unionize the plant, and these two groups seek to be heard as part of the appeals process.

The UAW's deadline for presenting evidence to the NLRB was Friday, March 7. Stay tuned for further developments as this story continues to unfold.