

# **CHOOSING RIGHTS**

## **Nissan in Canton, Mississippi, and Workers' Freedom of Association under International Human Rights Standards**

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## **Introduction**

Nissan North America's massive auto assembly plant rises from the fields near Canton, Mississippi like King Ahab's Ivory Palace. Nissan built the factory 20 miles north of the state capital in Jackson a decade ago in exchange for the promise of hundreds of millions of dollars in subsidies from state and local governments.

Some 4,000 workers are employed at the plant. After five years' service, production employees reach the top pay level of \$23.22 per hour. But working alongside direct-hire employees are hundreds of workers employed by temporary labor supply firms. Many of these workers start at about \$12 per hour.<sup>1</sup>

Under international law and pursuant to its own stated commitments, Nissan is supposed to respect human rights standards on workers' freedom of association – the right to organize and the right to collective bargaining. But in the Canton plant, Nissan has launched an aggressive campaign of fear and intimidation to nullify these rights.

## **International Labor Standards on Freedom of Association**

The International Labor Organization's (ILO) 1998 Declaration on Fundamental Principles and Rights at Work and ILO Conventions 87 and 98 are the key points of reference for international standards on workers' freedom of association. They prohibit:

- imposing pressure, instilling fear, and making threats of any kind that undermine workers' right to freedom of association;
- creating an atmosphere of intimidation and fear with respect to union organizing;
- pressuring or threatening retaliatory measures against workers if they choose union representation;
- denying reasonable access for workers to hear from union representatives inside the workplace.

The same standards apply to companies that are members of the United Nations Global Compact, which Nissan joined in 2004. The UNGC includes ILO core labor standards in its requirements.

## **Nissan's Violations of International Labor Standards**

Freedom of association requires non-interference by employers at every stage of workers' exercise of this fundamental right. But inside the gleaming industrial palace in Canton, Nissan management's harsh, one-sided campaign against workers' organizing efforts violates their right to freedom of association.

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<sup>1</sup> The terms and conditions of employment described in this report were those in effect in July 2013.

## **Day One “Inoculation” Against Union Organizing**

Nissan has used many of the practices cited as violations of ILO standards to interfere with workers’ organizing efforts. For many employees, it started before they even entered the plant.

The first groups of employees were hired in late 2001 and early 2002. Jeff Moore, a body shop quality technician, said training was not only about how to work in an auto plant:

In the first meetings, managers told us that Nissan is totally non-union and didn’t want any part of unions, that unions make plants close. Everything they said about unions was negative, nothing positive. It’s like they were drilling it into our heads, stay away from the union.

Lee Ruffin, a production technician hired in 2003, echoed the experience. “It started before I ever set foot in the plant. They told us in meetings that the union is no good. It was like basic training in the Marines, kill, kill, kill, except it was kill the union.”

## **Management’s 2004-2005 Anti-Union Surge**

Nissan management stepped up its offensive against the UAW in late 2004-early 2005, after union representatives first came to Canton to meet with workers there. “I was one of the people who called the UAW in 2004,” said Rosalind Essex. “A bunch of us were upset about the way some things were going on in the plant, the way they treated people. After union reps came and talked with some of us, the company set up roundtable meetings for everybody. We had to go to these meetings.”

Everlyn Cage, a sealer line technician hired in 2003 and later discharged following a work-related injury, described the meeting she attended:

There were about 20 of us in there, with the HR manager and our department manager. They talked about how Nissan has never had a union, unions just make plants shut down, they just want your money, everything bad they could think of. They showed pictures of plants that had unions and closed down, like the same thing would happen to us.

Pat Ruffin, a quality technician hired in 2003, said:

Management called us off the line to come into these meetings, about 20 or 25 people at a time. The HR manager talked about unions closing plants, about union plants closing and moving to Mexico. He showed us an old film about how bad unions are. He told us we don’t need a third party coming in and wrecking the business.

About her group’s meeting, Rosalind Essex said, “The managers said unions are just the Mafia, they are just after your dues money. They showed us a movie from about 50 years

ago about union strikes and picket lines and pictures of closed factories. People that didn't know better were scared, and they're still scared."

### **Nissan's "Brave New World" Anti-Union Communications**

Like the entertainment machines in Aldous Huxley's *Brave New World*, Nissan has installed television screens throughout break areas that feature bad news about the "Detroit 3" (Nissan's epithet for General Motors, Ford and Chrysler) and the UAW.

"Every negative thing about Detroit or the UAW goes on the monitor," said Rafael Martinez. "They want to make us think that Chevy is in trouble and it's all because of the UAW. Everything is negativity. They cherry-pick the news they want to present. Nothing is on there when UAW members get a bonus or a UAW plant adds a shift."

Washad Catchings, a technician in the stamping department hired in 2003, said:

I've seen lots of good things on the national news about the American auto companies, but Nissan doesn't show any of it. It's totally one-sided. They tell us they're giving us the latest industry news. They make us watch the screens in the plant whenever they have something negative to say about Detroit or the UAW. It's like a dictatorship where you have to listen to them. If you don't pay attention they mark you down as a union supporter.

### **2012: Nissan Steps Up the Pressure**

All interviewed employees recounted a sharp escalation of management's anti-union campaigning in 2012 after Canton workers formed the "Committee for a Fair Election" and began meeting with religious, political, student and community leaders.

"My section's roundtable was during the morning shift," said Jeff Moore. "First the plant manager showed a slide show on how the UAW messed up the auto industry and if they come here they will mess up Nissan. Then the department manager talked about UAW plants downsizing while Nissan is putting new vehicles into Canton, like if we have a union they will pull out production. It was completely biased."

Production technician Michael Carter described a similar meeting of about 15 body shop employees with management:

They showed us a video about the Detroit plants having layoffs and they blamed it all on the UAW. It was all negative, one-sided. This was with the department manager, another manager and an HR rep who took notes. I asked them, 'what's the purpose of this meeting?' They said 'it's to give you the facts.' But it's just the facts they pick and the message they want to send – support the union and lose your job.

Betty Jones, a truck engine dress technician, said that her department manager and an HR representative conducted her work group's roundtable:

He showed slides and talked about the Big 3 and how they failed because of the UAW but Nissan is doing OK because it's non-union. She [the HR representative] was taking notes whenever any of us said anything. They were getting a feel for who's for and who's against. If you didn't know about the union it would scare you. They should let the UAW come in so we can hear from both sides.

Morris Mock noted the effect of note-taking at the roundtables by HR representatives. "It's intimidating," he said. "It seems like they're making a blacklist of who's for the union and who isn't. They already know about those of us who have spoken up but people who haven't said anything, it scares them, like what are they going to do with those notes."

"They said they would talk about the pros and cons of unions but they only talked about the cons," said Washad Catchings. "They didn't literally say the plant would close if the union came in but they showed plants that had unions and closed. They read from a script and chose their words very carefully. They hinted at it. They left you with the idea that 'this will happen to you.'"

### **One-on-One Supervisor Pressure**

Both union organizers and anti-union consultants know that management's most powerful tool for interfering with workers' organizing efforts is to enlist employees' direct supervisors to drill fear into them. All the interviewed workers said that following meetings and video presentations in Canton in 2012, employees' immediate supervisors staged one-on-one meetings with individual employees.

Lee Ruffin said that his manager told him his [the manager's] brother was a union member who went on strike and lost his job. Jeff Moore said that his supervisor called him into a meeting and asked: "What did you think about the roundtable? What do you think about unions after what you heard?" The supervisor told him "My old job was a union job. The union was terrible. It never got anything done. All we did was pay dues." He did not identify where he worked or of what union he spoke.

Washad Catchings said that his supervisor in a one-on-one meeting told him "I used to work for Tyson. They got a union and the plant closed. People told me it was a big mistake to go union." The supervisor did not identify the Tyson plant or the union in question.

## **The Newest Target: Labor Supply Agency/Temporary Workers**

In September 2012, Nissan launched a new anti-union offensive in the Canton plant, this time targeting the hundreds of “associates” or temporary workers (also known as precarious workers around the globe) who labor full-time in the plant but are employed by third-party labor supply agencies. Temporary workers earn as little as about \$12 per hour – just over half the pay of regular employees.

A temporary worker who asked not to be identified for fear of reprisals described the meeting:

They called us into a meeting during work time. There were about 25 of us at the meeting. A Kelly manager, a Nissan HR manager, and someone taking notes on a computer were in front of the room.

They showed us a video of a high-up Nissan manager saying that they don’t want the union in the plant, that unions kill jobs. He said we shouldn’t sign a union card because signing a union card gives up your rights. He didn’t say why.

Then the managers went on about how the union only wants your dues money and unions only bring a lot of trouble, like strikes and stuff. They told us to stay away from the union, don’t talk to them, hang up on them.

They asked us if we have any questions. As soon as one of us said anything the person taking notes typed into the computer. So people didn’t say much because we were afraid they would mark us down if we asked a hard question.

We heard about the meetings with the technicians but this was the first time they brought us associates in. We already saw the anti-union videos up on the TV monitors in the break room. They show those all the time, all the bad news about Detroit and about the union.

## **One-Sided Communication Power**

International labor standards calls for access of trade union representatives to workplaces, with due respect for the rights of property and management, so that workers can hear from them about the union.

Employee Jeff Moore said “I asked them, ‘why don’t we bring in the UAW so we can hear from both sides?’ They said they would never do that – it’s their plant, they’re not going to let the UAW in.”

When Rosalind Essex asked, “Can someone from the UAW come in to make a presentation?” the response was “No, Nissan will never allow that.”

## Conclusion and Recommendations

Nissan's unrelenting, systematic campaign against union formation at the Canton plant is in clear violation of international standards on workers' freedom of association:

- Management subjects workers to frequent "Big Brother" anti-union messaging on in-plant TV monitors.
- Management forces workers to attend roundtables with thinly-veiled hints of lost jobs and implicit threats that Nissan will not put new products into the plant if workers choose to form a union.
- Management sends supervisors out for one-on-one meetings with workers to gauge their union sentiments and suggest dire consequences if they support the union.
- While it bombards employees with one-sided, consistently negative attacks on the UAW and the very idea of union formation, Nissan refuses to let employees receive information from union representatives inside the workplace, as international standards require.

Any one of these tactics meets the definition of interference with workers' organizing rights under international labor standards. Taken together, they amount to an aggressive, all-encompassing, sustained drive to discourage, demoralize, and frighten employees from exercising the right to organize.

"People are afraid they'll get fired if they even mention the word union," said Wayne Walker, a production technician hired in 2003. "They're afraid to lose what they have."

Everlyn Cage said, "A lot of us who have been here longer see the need for a union. But the younger people who went through all these meetings, they are scared about losing their jobs if they get involved."

As Betty Jones put it, "I love what I do. I love the people in this plant. I give the company more than 100 percent every minute of every day. But they just want us to come in and work and keep quiet. A lot of people do that because they're scared. That's the problem, the fear. We just want a fair election without the fear."

Rafael Martinez said:

In all these meetings they tell us that Nissan is a non-union company. Right there they are misleading people. Nissan has unions all over the world, starting in Japan . . . the workers there all have a voice. We're not asking for more money. It's not us versus them. They are here because of the quality of our work. When I put my hand on a unit they are getting 100 percent from me. We want to sit at the table and have a voice, too.

## **Recommendations**

### To Nissan North America:

Nissan should:

- affirm workers' right to organize in keeping with the core labor standards of the ILO and ILO Convention 87 on freedom of association;
- make clear that Nissan will not close the plant or fail to introduce new product lines because workers choose union representation;
- assure workers that if they choose representation, Nissan will negotiate in good faith with a sincere desire to reach a collective bargaining agreement; and
- grant access to UAW representatives
- so that employees can receive information from them inside the workplace.

### To the UAW:

The UAW should:

- affirm management's right to run the plant efficiently and productively;
- make clear that the union will represent Nissan workers to the best of its ability and in complete equality with all UAW-represented workers in the automotive industry, and
- assure employees and management that it will bargain in good faith to defend Nissan workers' interests while respecting and helping to advance the company's success in the automotive marketplace.

### To the Socially Responsible Investment Community:

SRI firms should re-evaluate their portfolio holdings of Nissan stock in light of ILO standards and the company's actions at the Canton, Mississippi, plant, and engage with Nissan management to encourage adoption of the recommendations in this report.

### To the UN Global Compact and the OECD:

The United Nations Global Compact and the OECD should review Nissan's record to consider whether the company's actions in Canton are consistent with its commitments to, and obligations under, international labor standards.