

DETROIT REVOLUTIONARY MOVEMENT RECORDS

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PART II

A summary report regarding Chrysler Corporation Case

No. 7-CA-7999

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Summary Report

Re: Chrysler Corporation

Case No. 7-CA-7999

The charge alleges that John Taylor, Alonzo Chandler, Robert McKee and James Edwards were unlawfully discharged in violation of Section 8 (a) (1) and (3) of the Act.

Investigation disclosed that these four individuals picketed and handbilled the Employer's Eldon Avenue Gear and Axle plant on May 25 and 26, 1970, in protest of unsafe safety conditions allegedly existant at the plant. Two of the listed pickets withheld their employment services by the picketing, and investigation disclosed that the purpose of the picketing was to encourage other employees from withholding their employment services in protest of the safety conditions.

Section 5 of the National Production and Maintenance Collective Bargaining Agreement between the Employer and the UAW prohibits, inter alia, strikes, work stoppages, and picketing of the Employer's plants until and unless certain prerequisites have been met. The investigation disclosed that these conditions precedents have not been met. Thus, the contractual grievance procedure had not been exhausted, authorization of strike action and notice thereof had not been given, and the necessary negotiations subsequent to this notice had not been held.

Thus, the conduct of the four named individuals was in clear violation of the no-strike clause and would normally constitute conduct that is not protected by the Act. The Charging Parties, however, allege that the conduct they engaged in is protected because their activity was not a "strike" because its purpose was to protest abnormally dangerous work conditions at the Eldon Avenue plant. Investigation disclosed however, that while the safety conditions were not of maximal quality, neither were

they abnormally dangerous. The plant's safety record, on a statistical basis, could not be considered to be substandard. While the Charging Parties allege that a number of fatalities have occurred in recent years as a result of abnormally dangerous working conditions, investigation disclosed that only one of these deaths was related to plant conditions.

In summary, it was felt that the evidence was insufficient to establish that the safety conditions of the Eldon Avenue plant, which employs several thousand employees and engages in heavy fabricating and machinery work, were of such a nature as to justify a finding that the conduct of the Charging Parties was protected by Sections 8 (a) (1), (3) and Section 502 of the Act.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

ALONZO CHANDLER, JAMES EDWARDS,
ROBERT MCKEE and JOHN TAYLOR

VS.

NO. 7-CA-7999

CHRYSLER CORPORATION

APPEAL STATEMENT

The Regional Director's decision dismissing this case is based on the following proposition:

That safety conditions in the employer's Eldon Avenue Gear and Axle Plant were, in fact, not abnormally dangerous, and therefore the charging parties, JOHN TAYLOR, ALONZO CHANDLER, ROBERT MCKEE and JAMES EDWARDS were not entitled to the protection of Section 502 of the Act when they picketed and handbilled the Eldon Plant on May 25 and 26, 1970, protesting unsafe working conditions there.

But the Director's decision rests on a false premise, his failure to apply the statutory criteria. The only demand of the statute is that employees who withhold their employment services in protest of unsafe working conditions have a good fair belief in abnormally dangerous conditions for work at the place of employment. But the Director demands much more; he demands that the charging parties should have had a definitive factual knowledge of the unsafe conditions in the plant. This is not the doctrine of Knight-Morley Corp. V. N. L.R.B. 251 F. 2d 753 (CA6, 1957) Cert.-den. 257 U.S. 927 (1958). In that case the Court, in construing the ambit of Sect. 502, stated,

"That section (Section 502) expressly limits the right of management to require continuance of work under what the employees in good faith believe to be abnormally dangerous conditions'."

The statutory imperative, then, is a "good faith belief test", not a "fact test" as the Director evidently believes. By his failure to apply the criteria of Section 502, he has entirely excluded any consideration of the experiences and beliefs which motivated the charging parties to picket the plant. A summary of their experiences and activities in the Eldon Plant should more than suffice as evidence of their "good faith belief in abnormally dangerous working conditions at Eldon."

JOHN TAYLOR was employed at the Eldon Plant as a Workmen's Compensation Representative, a management position, from approximately June, 1967, through September 30, 1968. His duties included the following: conduct investigations of in-plant accidents, analyze material facts and medical data, decide liability under the Michigan Workmen's Compensation Act, administer compensation matters. During the course of his employment as workmen's Compensation Representative, JOHN TAYLOR became familiar with many of the severe safety hazards in the Eldon Avenue Plant, and with the traumatic and debilitating effects industrial accidents have on the lives of the people who work there. He became convinced that the primary (indeed, the only) purpose of the plant Safety Director and the Plant Doctor is to protect Chrysler Corporation's Capital investment in the plant by keeping employees on the job and working, injured or not, and not to protect the health and safety of workers as human beings. After resigning his position as Workmen's Compensation Representative, JOHN TAYLOR obtained employment in the Eldon Plant as an hourly rated worker, a Grinder in Department #75. Eventually, he became associated with the Eldon Wildcat, and independent employee publication, and wrote several articles for that bulletin,

Nearly all of which concerned safety conditions in the plant. The majority of these articles were published prior to JOHN TAYLOR'S picketing activities on May 26 and 27, 1970. Claimant JOHN TAYLOR, then, points to his experiences in dealing with injured Eldon workers, his familiarity with plant safety conditions, resulting from his position as Workmen's Compensation Representative, and the safety articles he wrote for the Eldon Wildcat as evidence of his good faith belief in abnormally dangerous working conditions in the Eldon Plant.

Claimants ALONZO CHANDER, JAMES EDWARDS and ROBERT MCKEE are active members of E.L.R.U.M. (Eldon Revolutionary Union Movement). A chapter of the League of Revolutionary Black Workers. It has long been the public position of the League and E.L.R.U.M. that one of the many ways black automobile workers are oppressed by Chrysler Corporation, Ford and General Motors is by assigning them to the most dangerous jobs in the plants. Accordingly, claimants, ALONZO CHANDLER, JAMES EDWARDS and ROBERT MCKEE were almost solely responsible for writing, printing and distributing copies of the E.L.R.U.M. publication at the Eldon plant, many of which contained articles describing the unsafe working conditions in the plant under which black workers are forced to earn their living. They participated in this activity for more than a year prior to the events of May 26 and 27, 1970, and point to it as evidence of their good faith belief in abnormally dangerous conditions at Eldon.

The Director has not only failed to apply the statutory criteria to the charging parties' picketing activities, but his conclusion that safety conditions in the Eldon Plant, as a matter of fact, were not abnormally dangerous, is based on an unwarranted credence in the plant's statistical safety record, and his failure to consider all the factors surrounding the deaths of Mamie Williams and Rosa Logan.

The plant's statistical safety record is compiled monthly and yearly from the plant Safety Director's "Lost Time Report". This report consists of records concerning each worker who has lost time from work due to a plant injury, and whose case is acceptable under a set of severely circumscribed and limited rules and special conditions formulated by and accepted by Chrysler Corporation. Claimant JOHN TAYLOR'S experience as Workmen's Compensation Representative was that many of the plant accident cases for which Workmen's Compensation liability was accepted did not appear on the Safety Director's "Lost Time Report" and were, therefore, not harmful to the plant's statistical safety record. This was so because responsibility for many of these cases could be evaded by deeming them not acceptable under the statistical procedures described above. This is one method CHRYSLER management uses to conceal many of the accidents which occur in its plants. Another method of concealment is the device of "favoring work". While employed as Workmen's Compensation Representative, Claimant JOHN TAYLOR learned that in a number of instances injured workers were given "favoring work codings" by the Plant Doctor and ordered to return to work, presumably at jobs within their injury decreased capabilities. In reality, the Safety Director and some of the production foremen would deliberately place these persons on jobs demanding their full physical capabilities, and conceal this tactic from other management personnel including claimant JOHN TAYLOR. Eventually JOHN TAYLOR learned of this situation through complaints of the workers involved, and began personally checking the "favoring jobs" given injured workers. This led to disputes, arguments and an awareness that there was an insufficient number of "favoring jobs" in the plant to accommodate both the injured workers and the Plant Safety Director. It was obvious to Claimant JOHN TAYLOR that the Plant Safety Director resorted to this tactic to protect the plant's safety record, the record upon which the Director

relies in dismissing this case. As Workmen's Compensation Representative, Claimant JOHN TAYLOR also learned the Plant Doctor helped protect the plant safety record by "coding" injured workers "PQ", "physically qualified" to do any job in the plant, without actually physically examining the worker. JOHN TAYLOR was able to correct this situation only by informing the Plant Personnel Manager, J. Hefner, and the Power Train Group Medical Director, M.S. Lchner, M.D. , that he would consider any "PQ". Codings given by the Plant Doctor without a physical examination a nullit and instead would rely on the findings of the employee's own doctor. Plant statistical safety records subject to concealing tactics and subterfuges such as these do not deserve the confident of the Director, the Board or the public.

It is the Firector's position in dismissing this case that only one of the deaths recently occurring in the Eldon Plant, Gary Thompson's was the result of plant conditions, and that the other deaths, Mamie Williams and Rose Logan, were not. Rose Logan suffered crushing injuries to her right foot and lower leg when she was struck and run over by a loaded fork lift truck as she emerged from the plant Medical Department into the main aisle. The truck operator failed to look back to be certain the way was clear before he began backing the truck. Safe operation of fork life trucks is patently an important part of the working condition in any plant: Management accordingly bears a heavy responsibility in training its drivers in correct safety procedures and being certain they are maintained. Other causes of this fatal accident were the cramped space in which the truck driver was forced to maneuver his truck, and the absence of protective iron railings along the main aisle to shield persons walking in it from backing and turning fork lift trucks. Patently, both of these factors were also part of the plant conditions at Eldon that resulted in

Mrs. Logan's death. Until she died Rose Logan lost no time from her job because of this accident. The Plant Doctor and the Plant Safety Director decided she was able to perform favoring work and, accordingly, Mrs. Logan was transported daily to and from the plant in a taxi cab, even though she was confined to a wheelchair at all times. Her "favoring work" consisted of janitorial duties in the plant offices performed in her wheelchair. Reportedly, she died of a thrombosis, a condition often associated with thrombo phlebitis which often results from crushing injuries to the extremities. The usual regimen in these cases is almost complete inactivity: but usual medical practice was apparently abandoned in Mrs. Logan's case to protect the plant lost time record. It seems obvious that the presence (or lack of) of a humane, competent Plant Doctor and Plant Safety Director are an integral part of the working conditions in any plant, and this seems especially true when deaths arguably occur because of their activities. But, the Director seems to resist and reject this assertion with no reasons given.

If is also strongly arguable that Mamie Williams died in May, 1970, as a result of plant conditions at Eldon, namely the activities of the Plant Doctor. Mrs. Williams had been on sick leave for a substantial period of time, and was ordered by Eldon Plant Management to return to work or be fired. She underwent a physical examination in the plant medical department which disclosed dangerously high blood pressure. But the Plant Doctor, knowing of her condition, allowed her to return to work. A few days later she was dead, killed by dangerous plant conditions at Eldon, namely the Plant Doctor.

In summary, the Eldon Plant is a plant where the safety records are regularly, in a systematic way, tampered with. The workers, specifically JOHN TAYLOR, knew the way in which the company alters the facts. The Regional Director, however, failed to give cognizance to this special knowledge and relied solely on the company's safety record. Had the Regional Director used

the statutory criteria, he would never have made this mistake: a test which relies on the knowledge of those discharged and therefore their good faith in acting to correct unsafe conditions, would properly balance all the facts, without undue reliance on altered statistical data.

In many ways, the Director substituted his limited knowledge for the extensive knowledge of the employees working in the plant, one of whom had spent two years working on management's side. The statutory criteria must be enforced in this case, not only because it is the best polity for enforcing the mandates of the Act, but also because the employees in this particular case had such real, concrete reasons for their actions: one young man had died under three tons of steel; two other workers were prematurely forced to return to work and died as a result thereof. When employees act to correct these conditions, which involve life and death, there must be some protection for them - they are acting with good faith and have a factual basis for their beliefs, what else can be required of them?

The Board, with limited access to the facts, with limited concepts as to necessary safety to protect lives, should at least provide a hearing and opportunity to prove the good faith factual basis for the claimant's action. Without such protection, we respectfully submit that employees will continue to die on the assembly line and those who protest will continue to be fired for their actions.

Accordingly, claimants respectfully request that the Regional Director's decision be reversed and a complaint issue in this matter.

Respectfully submitted,

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Dated: October 2, 1970

Elrum Speaks

We, of Elrum, would like to explain the function and purpose of the Eldon Workers' Safety Committee. The committee was originally composed of all the recently discharged stewards. These union officials, after being unjustly discharged for their participation in a recent wildcat strike, felt there was a need for positive action at the plant to insure an immediate end to the unjust treatment and unbearable conditions workers were forced to work under. They also felt the need for participation on the part of every element inside the plant for 100% participation on the part of the membership. It was under this condition that a coalition was formed, representing union officials, Elrum and Eldon Wildcat.

The primary function was to educate the workers about the conditions in the plant that had become a routine part of their day- oily floors, unsafe machines and countless more. This was done by distributing leaflets throughout the plant. Within two weeks 2 people were murdered in the plant due to these very same conditions we had been calling attention to.

Mamie Williams had become so sick that her doctor demanded that she stay in bed. Joe Hefner, disregarding this, ordered her (through the plant doctor) to return to work. After being back to work for one week she died - was killed - was murdered.

Gary Thompson was a 22 year old veteran of Vietnam. He had a wife and child. He survived Vietnam to be crushed by a 3 ton mass of steel. Gary was murdered - killed. The weapon---a faulty machine.

At the next committee meeting it was decided unanimously that the committee would initiate a work stoppage. This concurred with the law that states: ANYONE HAS THE RIGHT TO REFUSE TO WORK WHERE CONDITIONS ARE DEEMED TO BE ABNORMALLY HAZARDOUS.

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STRIKE

We, the committee, decided to picket the gates and ask our fellow workers to show their contempt for Chrysler and its lackeys by refusing to work until such a time when these conditions ceased to exist. The picket line appeared Wednesday morning May 27, at 3 gates. The lines were met with little response on the part of workers. After this most of the members on the committee showed their real nature. They turned to members of Elrum and Eldon Wildcat and made statements to the effect that the membership is fucked up, so let's fuck it. Some members of the committee understood that after two senseless so-called wildcat strikes the people were disappointed and fed up with token displays of concern, so these members of the committee decided to stick it out and work for some constructive reforms regarding conditions in the plant. Those who stayed have been working without sleep to stop the murders and maimings and all the other unjust treatments and conditions in the plant. Jordon U, Sims, Robert McKee, James Edwards and Alonzo Chandler and John Taylor. The rest have dropped back with a fuck-the-membership attitude.

In the afternoon shift Brothers and Sisters, both black and white, have responded in a positive and vocal way saying "hell no, we won't go" until conditions are corrected. Midnight was much the same as days with people content to walk into a plant where death awaits them.

And now there are two! Elrum and Wildcat. And we come to you asking you, tell us what to do. We all know that it takes a whole plant effort, we all know it takes three shifts, for us, the workers at Eldon to get justice and a chance at life.

ALL POWER TO THE WORKERS

AFTERNOON SHIFT WORKERS

Rose Logan, Mamie Williams and Gary Thompson are dead: many other workers have been maimed and injured. But what can we do about it? For two days now, the Eldon Worker's Safety Committee has called for a Safety Work Stoppage. The afternoon shift workers have been the only workers at Eldon who have responded effectively to our call as 80% of the afternoon shift responded faithfully to the Work Stoppage. Day shift and midnight shift workers have stormed through our lines as if they did not exist. Management has stood in the gates and laughed in our faces. What were they laughing at? They were gleeful because workers went back into the plant to the oil and grease on the floor, to the death-ridden jitneys, to the smog and polluted air, to the many, many dangerous machines. Lastly, they were, in effect, laughing at Mrs. Thomas and her baby: laughing at Gary Thompson's family. They were laughing at the way Brother Gary was crushed under his skid box, the way he lay dying. Unattended. Yes, they laughed at the thousands of other potential Gary Thompsons who came through the gates. The response of the workers has greatly affected our ranks: the loose coalition comprising the Safety Committee was a grouping of Eldon Wildcat, Elrum and the discharged stewards. They, the stewards, have faded into the background--they have tucked tail and run, leaving Elrum and Eldon Wildcat carrying the load. Therefore, our ranks are not as strong as they were when we started. Our resolve has been somewhat shaken, both by the response of the midnight and day shift workers and the cowardice in our ranks. We do not intend to make this an Elrum or Eldon Wildcat Strike, but Gary Thompson died and great anger burns in our hearts, while Chrysler laughs in our faces. The money being earned here, until we rid this plant of its unsafe conditions, should be considered blood money: those checks are drenched with Gary's blood. But the afternoon shift should not be forced to carry the burden, for the burden is everybody's. We stand ready to support your actions: we are not Elroy Richardson or cowardly stewards. As long as you decide to stand strong we will stand with you.

The decisions you make must be based on the above facts that we have given you. Each and every worker must understand the situation. We know that in the final analysis, the only solution to our problem is to meet blow with blow in our battle with the corporation. We are in an open class war with Chrysler Corporation and the sell-out union leadership is serving as shock troops for the corporation, trying to fan the flames of class war. We are in a situation in which production lines have turned into battle lines. Casualties on our side have continued to pick up and the death toll is rising. The ground being gained by the company is measured by the fusion of blood, sweat and steel that rolls out of the gates of Eldon Avenue in blue and white Chrysler trucks. Their profits swell as our wages are wiped away by high prices and taxes. We are losing the War--the battle wages fiercely 24 hours a day, seven days a week. Today odds are against us, there are only a few workers who are fighting back. Many others have been weakened by dishonest and insincere strike action by the union leadership.

In order to turn defeat into victory, each worker must be armed with a basic overall understanding and a path to victory. Above all -- we must be united. Your convictions can only be made individually and by each worker. With this in mind-- WE TURN TO YOU FOR OUR LEADERSHIP AND ASK

WHERE DO WE GO FROM HERE?