



Local 725
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LOCKOUT



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Beating BASF

OCAW Busts Union-Buster

■ *Richard Leonard & Zack Nauth*

It was only last January when hundreds of workers, their families and their neighbors turned out for the victory party in Prairieville, Louisiana. Located two miles from the sprawling petrochemical complexes on the old Geismar plantation along the Mississippi River, the party had all the trappings of those wonderful Bayou shindigs. Someone had even baked a huge homemade cake and arranged for live fiddle music.

The celebrants had a lot to rejoice about. In a David-and-Goliath battle which had lasted nearly six years, these strong-willed partisans successfully forced their employer, West German chemical giant BASF, to end the longest lockout in U.S. history.

Those who attended the victory celebration had every reason to be exuberant, but the memory of the tremendous suffering inflicted by BASF still lingered in their minds. Who could forget the suicides, the home foreclosures, the poverty and broken families that littered the wake of BASF's attempt to bust the workers' union, OCAW Local 4-620. Local 4-620 Committeeman Leslie Vann termed it a "hollow victory." "To say that it was a

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- Richard Leonard, who is OCAW's Special Projects Director, directed the "corporate accountability campaign" against BASF. Zack Nauth was a reporter for the New Orleans Times-Picayune and is now executive director of the Louisiana Citizens for Tax Justice.

victory would be making light of the sacrifices of those who suffered devastating personal and financial losses," he said.

Still, whatever you call it, OCAW 4-620 had, "with a little help from its friends," backed down a \$25-billion-a-year multinational corporation that has devoted considerable time, money and energy to operating union-free in the United States.

What started as a labor dispute involving 370 workers in rural Louisiana ended after the OCAW had transformed the struggle into a worldwide labor-environmental coalition against the policies and practices of BASF everywhere. In the process both the workers and the communities along the Mississippi River that make up "chemical alley" (93 chemical plants from Baton Rouge to New Orleans) learned a lot about cancer and other devastating diseases and their links to the operating procedures of BASF and other chemical companies.

Today, with most of the locked-out workers back at work at BASF's Geismar plant, the OCAW, in cooperation with the National Toxics Campaign, continues to be a leading force in the coalitions they helped form in battling BASF—among them, Louisiana Workers Against Toxic Chemical Hazards (LA WATCH), Ascension Parish Residents Against Toxic Pollution, and the Louisiana Citizens for Tax Justice.

This article tells the story of OCAW 4-620's struggle and of how the union won by expanding the number of people and the arenas in which BASF had to fight.

The Labor Dispute

BASF is the second largest chemical company in the world, with 130,000 employees in Europe, the U.S., South America, Asia and Africa. At the time that BASF went after OCAW 4-620, it was in the midst of a highly successful labor purge at many of its U.S. locations, reducing the number of OCAW members working under contract from 2,000 in 1979 to 200 in 1985.

BASF had eliminated unions at its plants in Wyandotte, Michigan; Holland, Michigan; and South Brunswick, New Jersey. At other places such as the BASF plants in Rensselaer, New York, and Huntington, West Virginia, the unions were bludgeoned into accepting contracts loaded with management rights clauses and stripped of provisions necessary for the union to effectively police the contract. At Huntington, this was the result of an 8-month lockout.

The Geismar local was one of the last unions to be challenged by BASF. This was understandable as the group was 100% union—

remarkable in a right-to-work state like Louisiana. In early 1983, the company posted notices announcing that a petition to disavow the union was being circulated and that signing it would be a "wise choice." But, as far as it was ever determined, not a single person signed the petition.

In July of '83, one day after the election of Esnard Gremillion as the local's Group Chairman, BASF suddenly determined that the contractually provided payment of lost time for in-plant union business was in violation of federal law. Gremillion was told to remove his desk, chair, filing cabinet and phone from the 10-by-10 shack that had been provided for the union at the plant.

Then, in 1984 contract negotiations, BASF demanded a one-year wage freeze, a reduction in health care benefits, and changes in seniority rules that would have resulted in layoff for workers with as many as 24 years' service. For the union, the issue was not pay, but job security and some control over the work environment. The union rejected the company's final offer. BASF responded by locking out the union workers and replacing them with outside contractors.

It was not a good time to be locked out. Louisiana had one of the highest unemployment rates in the nation, and thousands were hungry for any kind of work. The Reagan-era's pro-business National Labor Relations Board (NLRB), backed by the federal courts, consistently ruled against unions and eventually rejected all 50 charges filed by the OCAW during the lockout.

The workers knew they were in for the long haul when BASF began loading up the bargaining table with even more onerous demands. At first, the company indicated its intention to subcontract all maintenance work. This was followed by a proposal to subcontract 53 operator jobs and a demand to subcontract any or all remaining jobs at any time for any reason.

As the lockout wore on, the hardships were intense, too intense for some. One locked-out worker turned a pistol on himself. Others saw their boats, cars and houses repossessed, and some marriages and families fell apart under the strain. There were separations when some went elsewhere to find work, and bankruptcies when no jobs were found. A few of the poorer workers tried unsuccessfully to negotiate separately with the company, undercutting the union's position, but the vast majority of the union held together through thick and thin.

The bonds between them were not broken even in October 1987 when, after three years of the lockout, BASF ordered 260 operators to return or be terminated, fired 110 maintenance workers, and declared the lockout "over." The operators returned to work under

terms imposed by management, but they refused to sign any labor agreement; many of the recalled operators were ready to sign, but not if it meant abandoning the maintenance workers. While some of the maintenance workers were ready to take the severance pay BASF offered if they accepted their firing, the majority wanted their jobs, not a payoff.

The workers held together again when the NLRB refused to challenge BASF's unilateral action, the first time in 49 years that a company had been allowed to permanently replace locked-out workers. Again, the company dangled severance packages of as much as \$29,000 to some workers, and once again not a single worker stood in support of taking a vote on the company's final offer. BASF's attempt to divide the local or crush the maintenance workers was a miserable failure.

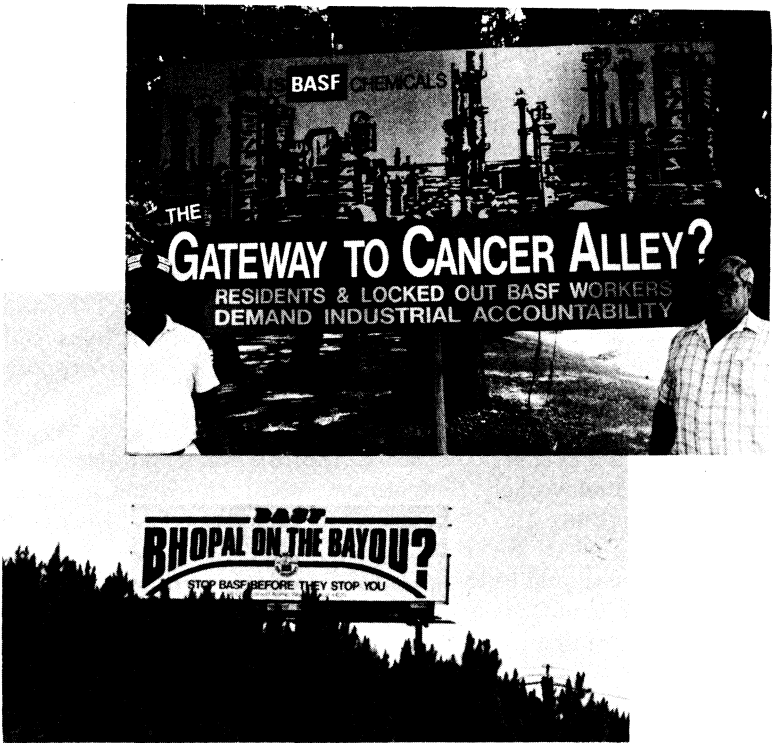
One year into the lockout, the OCAW initiated a "corporate accountability campaign" with the intention of causing trouble for BASF anywhere and anytime it could. This campaign and the coalitions it spawned changed the rules of the game, and eventually brought the company back to the table on the union's terms. But without the incredible solidarity of 4-620's leadership and rank-and-file, nothing else would have been possible.

In December 1989 a settlement was reached when BASF offered to take back all the locked-out workers, maintain the seniority system, and not subcontract their jobs. While many workers were still bitter, the contract was approved 7-to-1 because the union's basic demands had been met. The contract granted an immediate 8% wage increase for returning workers and increases of 3.5% a year in 1990 and 1991. All health insurance cost increases during the first two years and 80% of those in the third year will be paid by the company. Workers also received seniority credit for their locked-out years for all purposes except pensions.

How Did They Do It?

As the lockout stretched towards its first anniversary, it became evident that no amount of bargaining with BASF was going to save the local from extinction. That is when OCAW decided the only option left was to institute its "corporate accountability campaign."

OCAW decided to begin by bombarding the U.S.-based BASF Corp. with a sustained attack from as many sides as possible, to put it on the defensive and keep selected executives busy answering embarrassing questions, prompting them at one point to complain bitterly and shrilly about the "scorched-earth campaign." Later, OCAW expanded the campaign to take on the company



worldwide. The union used a dizzying combination of legal attacks, dogged research, grassroots organizing and pressure, and creative public relations.

The union boycotted BASF's consumer products such as audio tapes, antifreeze and vitamins; attacked the company for hazardous waste dumping in four states; conducted a sit-in to "lock in" company executives at their New Jersey headquarters; crashed a company picnic; and disclosed a \$60,000 interest-free, principal-free "loan" from BASF to one of its top executives.

One of the keys to the campaign was a treasure trove of internal company documents the union obtained, using means that were legal but secret. The union used the documents to disrupt the company's affairs by: using strategic business information to get the jump on BASF's future plans; mailing the documents to astounded customers and suppliers; revealing information on the company's computer system; publishing the formula for a proprietary anti-freeze additive, and even returning documents anonymously to BASF officials just to let them know someone was watching. The union regularly put out a newsletter with numerous disclosures

of executive travel itineraries, personnel information, future expansion and marketing plans, and other tidbits.

As a national organizing tool, the union produced a 53-minute video on the locked-out workers and their community allies. The video detailed BASF's history of immoral practices—from its promotion of poison gas in World War I, and the conviction of BASF executives for Nazi war crimes in World War II, to its present-day union-busting and despoilation of Louisiana's environment. Locally, billboards in Ascension Parish proclaimed the area "Bhopal on the Bayou" and "Gateway to Cancer Alley." Demonstrations, rallies, sit-ins, hundreds of newspaper articles, and various forms of direct lobbying of stockholders and corporate executives—all played a role.

But despite the blitzkrieg maneuvers and fireworks, the union's real strength was that its leaders never forgot that its power came from individual workers, their families, relatives, friends, members of the community and other towns where citizens felt they were being trampled by BASF's practices.

The international union instituted an Adopt-a-Family program that collected tens of thousands of dollars from OCAW locals around the country and, eventually, from other unions in the U.S. and abroad. Workers' wives formed a Women's Support Group that helped weather the financial and personal pressures and busied themselves with the details of work that needed to be done. They gathered regularly at the Prairieville Volunteer Firehouse to meet, swap stories, air problems, and to help determine where the union's Adopt-a-Family support was most needed.

Many locked-out workers worked full time on the union's campaign—administering union support activities, monitoring chemical plant emissions, and personally reaching out to community friends and allies to build the local coalition. Many others contributed by digging out information from local libraries, constructing extensive mailing lists, and getting out newsletters and direct mail solicitations.

At the base of the campaign, and all the coalitions and activities the union was able to build around it, was a strong local union with a dedicated leadership and an active and unified membership. Only that kind of union can reach out and develop the kinds of long-term coalitions that were eventually aligned against BASF.

The Environmental Coalition

The most important of the union's farflung allies was Louisiana's grassroots environmentalist network, starting with environmental

activists in Ascension Parish and spreading out to national groups like Greenpeace, the Sierra Club, and the National Toxics Campaign.

The union used the replacement of its trained workforce with poorly trained and inexperienced contract workers as a jumping-off point for beginning a debate about the relationship between worker health and safety and the environment.

With the help of those nettlesome internal company documents, the union demonstrated a pattern of safety problems at the plant following the lockout—a pattern so compelling that it eventually drew widespread attention when Rep. John Conyers (D-Michigan) launched a Congressional investigation. Later, in an attempt to institutionalize such concerns, OCAW helped launch Louisiana Workers Against Toxic Chemical Hazards (LA WATCH) to deal with workers' health concerns in the state's huge petrochemical workforce, which numbers about 28,000. LA WATCH, which teamed with Loyola University's Institute for Human Relations, offers a hot-line for workers in the industry and acts as a watchdog over a hamstrung Occupational Safety & Health Administration (OSHA).

The union reasoned that if in-plant health and safety was





deteriorating, external pollution standards were likely declining as well. Union workers could challenge unsound health and safety *and* environmental practices without fear of losing their jobs. The contract workers had no such protection.

This suspicion was confirmed by numerous accidental releases of hazardous chemicals from BASF during the lockout; major releases of phosgene, toluene and other toxic gases were well publicized in the local media. Further, locked-out workers, using special air-monitoring devices, began random tests of air quality in areas around BASF and other chemical plants. A study documented that over a one-year period, 196 million pounds of chemical pollutants had been released by the 18 Geismar-area chemical plants. A joint study by OCAW and the Sierra Club further documented that 76 million pounds of chemicals had been dumped into the Mississippi River by 15 area plants in one year.

With the help of environmental activists, OCAW also documented and publicized some of the environmental and health consequences of all this chemical pollution: threatened wetlands, contaminated groundwater, an unusually high number of miscarriages in Ascension Parish, and one of the highest known cancer rates in the nation.

Union activists concentrated on research and developed or hired technical expertise to challenge the scientific assertions of industry officials. The union helped form Ascension Parish Residents Against Toxic Pollution, which won two lawsuits against the state, BASF and other chemical companies. These suits established new precedents in environmental law and regulation. Aiding in the suits were the faculty and student attorneys at the Tulane University Environmental Law Clinic.

One precedent was set when a court threw out *as too small* a \$66,700 fine against BASF for five environmental violations. The court ordered a state agency to reassess the penalty by adding the savings the company had reaped by not installing proper pollution controls. The agency now routinely includes such economic benefits in its penalty calculations. The state's penalties have been noticeably higher since the decision and are levied and collected more aggressively.

The union led the fight to establish another precedent when a court ordered the Louisiana Department of Environmental Quality (DEQ) to comply with a legislative deadline to write new rules to restrict the underground injection of hazardous waste. The new rules, which are tougher than present federal EPA regulations, ban underground injection unless there is monitoring, proof of no migration, and no alternatives such as waste reduction.

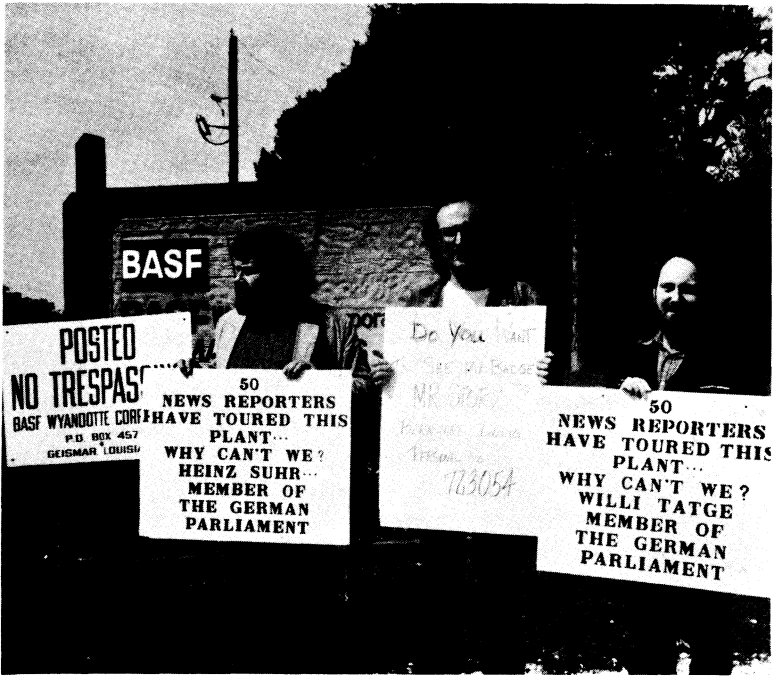
BASF and other chemical companies discovered the terms of debate had shifted when the state denied construction permits for a \$50-million facility because of groundwater contamination at the Geismar site. The decision led to a new state policy of prohibiting such construction, which affected half a dozen other chemical plants. Another unit built on the same site at BASF received a temporary operating permit, but may have to be demolished in order for contaminated soil to be excavated.

The union helped environmentalists learn to fight on the industry's home turf, in the permit and regulatory bureaucracy where most of the major decisions are made long before the public finds out about them. The efforts helped open up the process to the public, with more open meetings and records, and educated the public about how to get their voices heard. It generated newspaper coverage of these previously ignored activities and aired some highly visible battles over permits for incinerators, landfills, injection wells and new plants, such as a proposed Aristech chemical venture that was opposed by local citizens and eventually put on hold. In many of these battles, the state attorney general's office was a potent legal ally.

The OCAW was generous not only with its own local, but used its resources to get other efforts off the ground. The union funded some projects directly but was more valuable in linking up progressive foundations and other donors with Louisiana causes. The union helped raise \$207,000, filling desperate needs of existing groups and helping to launch new ones.

The union also took on the company in the heretofore obscure area of industrial inducement and economic development by challenging state and local tax breaks granted to BASF and others as a giveaway of public resources. The union argued that these tax breaks were especially vile because of their concentration in industries that create few jobs and most of the environmental stress. At one point, OCAW efforts forced BASF to ante up \$225,000 in back taxes on a mothballed herbicide unit it hadn't bothered to tell anybody was shut down.

The union broadened its attack on corporate tax giveaways by helping to found the Louisiana Citizens for Tax Justice, a research and public education project on state tax and industrial policy modeled on the labor-backed national Citizens for Tax Justice. This focus on tax breaks for polluters, aided by the Tulane Environmental Law Clinic, recently prompted the governor of the most economically depressed state in the nation to say that, while jobs are important, some jobs are not wanted.



Taking the Campaign Global

The OCAW forged international alliances during the lockout with BASF workers, citizen's groups and politicians in other countries. Delegations from the U.S. and West Germany visited their opposite numbers and staged demonstrations against pollution problems caused by BASF and others in both the Rhine and Mississippi Rivers. German Green Party members visited the U.S., as did Indian victims of the Bhopal industrial disaster.

The union protested the company's actions at BASF stockholder meetings in Germany, to the International Labor Organization in Geneva, and to the European Organization for Economic Cooperation and Development. The union's disclosure of BASF computer shipments to South Africa led to their curtailment, and the loss of \$47 million in business for the company.

A workers' solidarity committee at BASF's headquarters plant in Ludwigshafen, Germany, took up gate collections, and organized rallies and publicity in support of the Geismar workers. The leader of the Solidarity Committee, Bernhard Doenig, was charged by BASF with having stolen a directory of home addresses and phone numbers of top BASF executives and with assisting the

union in writing the wives of the 1,000 most important executives of the German parent and distributing home address information to the general public. After a trial that lasted nearly a year, Doenig was cleared of all charges.

Both financial and moral support also came from BASF union workers in Brazil, Belgium and France.

The Settlement

The three final acts that broke BASF's will were: the blocking of a massive hazardous waste incinerator-chemical dump project in Indiana; the halting of a \$50-million expansion in Geismar; and efforts to block the company from acquiring state forestland in New Jersey at fire sale prices for a new corporate headquarters.

In the end, the campaign even earned respect from an unnamed BASF executive who called it "very sophisticated and representative of a whole new ball game." Undoubtedly, BASF was feeling tremendous pressure that was continuing to build with no end in sight.

Toward the end, the pressure was coming not only from unions and citizens, but from other companies. Many Louisiana companies felt the German giant brought down trouble on the entire petrochemical industry with its stubborn lockout. One locked-out worker's wife, who is employed by a nearby chemical company, confided that her bosses were blaming stricter hazardous waste regulations on BASF. No doubt the chemical industry hopes the settlement will deflate the growing pressure for corporate and government accountability throughout Louisiana.

While other unions have had mixed results with these campaigns, OCAW's recent success can be credited to five important factors: the members' stamina and solidarity; the state's grassroots environmental network; brilliant, tireless leadership from a stable core; a motherlode of company documents, and unwavering support from the national union.

The resolution of the labor dispute did not end the corporate accountability campaign, and activists in Louisiana are working to maintain the movement's momentum. OCAW officials said that although they would consider lifting the consumer-products boycott, the two sides did not discuss ending the campaign as part of the settlement.

"We couldn't stop [it] now even if we wanted to," OCAW International Representative Ernie Rousselle said. "[These issues] have a life of their own now and they are, in large part, issues over which we no longer have any ownership. We have an obligation

to ourselves and to those outside the labor movement to continue the process of coalition-building."

Since the December 1989 settlement, Local 4-620, in cooperation with the National Toxics Campaign, has jointly funded a project to carry forward the process of bridging the gap between chemical workers and communities over toxics issues. Larry Evans, formerly editor of *The Millhunk Herald* in the Pittsburgh area, has been recruited to replace Richard Miller, who for the last five years was funded by the OCAW as the campaign's lead organizer. As Miller declared, "We've got to carry forward the momentum around these organizing victories—around toxics, taxes and other social justice issues. What we've discovered is that our strength here comes more from coalitions with the community rather than from the labor movement. We're trying to institutionalize these gains so that this local union will never again be left naked to a union-busting company."

Like the Louisiana Citizens for Tax Justice project, which has moved successfully to reduce the industrial tax exemptions of the petrochemical industry, the net result is a cleaner environment, more money for vital public projects, more jobs, a broader political base, and a union that is stronger and more resistant to both union-busting and environmental job blackmail.



Where to From Here?

The OCAW campaign at BASF in Geismar challenged the traditional relationship of capital to workers in which the community pays a certain amount of social costs in order to gain needed jobs. As the damage has piled up in recent years, workers have become less willing to accept that trade-off, although many unions are still paralyzed by their dependence on industry.

"They keep threatening us with the loss of our jobs," said John Daigle, the Geismar local union president, explaining the new attitude. "But we don't want those kinds of jobs anymore. We want clean jobs."

Like Daigle, many workers and citizens in Louisiana will never again look at the state's huge petrochemical industry through the same eyes. After five years of publicity and debate about the environmental, health and social costs of an economy based on distant multinational oil and chemical producers, the industry is no longer the goose that laid the golden egg.

The fight radicalized not only local labor leaders and membership but many workers and citizens who observed it from a not-so-safe distance. The evolution and growth of a broad-based campaign—which crossed racial lines and included activists from labor, environment, public housing, economic, religious and social justice groups—produced a wealth of strategies and ideas for community organizing and pressure-building against corporate interests.

The campaign against BASF, for example, has provided fertile ground for yet another coalition effort—this time on the issue of catastrophic petrochemical plant fires, explosions and releases. Exhaustive analysis linking the use of temporary labor to increases in accidents, injuries and chemical releases at Geismar provided the framework for a nationwide campaign against the slipshod maintenance practices of the entire petrochemical industry.

In June 1990 the OCAW released *Out of Control*, a video documentary produced in conjunction with Ralph Nader. The film incorporates interviews with plant workers and industry experts from across the United States and documents the causes of chemical catastrophes and their effects on workers, communities and the environment. "During the last few years," says OCAW Vice President Robert E. Wages, "we've seen more fires, more explosions, and more death on the job. Our members are basically saying that life in these plants is like the streets of Laredo. They're fed up." The video, along with an action plan and discussion guide,



has been widely distributed to locals and communities across the country.

Wages, who has overall responsibility for negotiating with the petrochemical industry and for the OCAW's corporate campaign activities, described the film as part of a nationwide grassroots effort "to build bridges between labor and community strong enough to bear the weight of a sweeping program of reform at local, state and national levels."

"Basically," says Wages, "we're capitalizing on our experiences in Geismar and elsewhere and institutionalizing them on a national level." Wages believes that if unions are to be relevant, they must be prepared to offer something to the community that the companies are unwilling or incapable of offering. "You can't do this by donating to the United Way or sponsoring Little League teams. It's a powerful win/win agenda for job security, worker health, public safety and environmental protection."

This attitude is backstopped by members like BASF worker Leslie Vann, who believes his local set a new standard for the labor movement. "I think we have set an example for the labor movement in the 1990s," said Vann during the January victory party. "I think a lot of organizing in the 1990s will take inspiration from this struggle. We didn't get any help from the NLRB or the courts. We had to do it by ourselves and with our friends. And we haven't forgotten our friends." ■