

IX. Workers' Rights as Human Rights: The Human Rights Watch Report Seven Years Later

Human Rights Fact-Finding in U.S. Labor Campaigns: Reflections on the MEI Strike in Duluth, Minnesota

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Seven years after publication of the Human Rights Watch report, *Unfair Advantage: Workers' Freedom of Association in the United States under International Human Rights Standards* (Compa and Human Rights Watch 2000) the report continues to justify and legitimize community-based labor activism. As labor law in the United States increasingly fails to conform to human rights standards, workers are forced to pursue alternative means to exercise the freedom of association, and various strategies have availed themselves to achieve this end. One response is the use of "human rights fact-finding" in labor campaign efforts. Human rights fact-finding is the process of investigating, documenting, and reporting situations on the ground against human rights standards. With the acceptance of the idea of human rights around the world, human rights fact-finding can help position struggles on the moral high-ground and create leverage via mechanisms at different levels of society.

Human rights fact-finding is also consistent with what the United Nations Declaration on Human Rights Defenders describes as society's "solemn obligation to promote and encourage respect for human rights and fundamental freedoms for all without distinction of any kind" (UN 1998). Judith Dueck, a writer and human rights advocate, has described these dynamics clearly.

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[Human rights defenders] are now actively documenting human rights violations. The basic assumption underlying their painstaking work is that by increasing access to often suppressed or hidden information about inhumanity, those whose humanity is threatened or attacked and those acting on their behalf can be empowered. Information is power. Accurate information about rights, laws and process, as well as evidence of violations, allows individuals, groups and organizations to take action. (Dueck 1992)

Seven years after the publication of the Human Rights Watch study, this key report remains a critical, timely development for people in the United States struggling at work to exercise their freedom of association rights. *Unfair Advantage* justifies and legitimizes fundamental workers' rights claims as national labor laws continue to move away from international human rights standards.

The story of the Workers' Rights Network of Northeast Minnesota is illustrative of how human rights fact-finding can unfold at the community level. Reflecting upon this association's advocacy of workers' rights as human rights and acceptance of the "solemn obligation" to stand up for human rights—especially in a protracted strike of foundry workers in the city of Duluth—gives pause to the possible implications and lessons from such a seemingly simple worldview. The Workers' Rights Network of Northeast Minnesota was formed in and around Duluth, a city with one of the highest union densities in the nation—by one estimate 30 to 35 percent of the workforce (Hudelson and Ross 2006). This was an effort by rank-and-file union members from fifteen local unions concerned about the growing anti-union behavior of employers and declining working conditions and living standards in the region. Some 125 activists, including university students, antipoverty activists from sixteen community groups, and low-income employees of local hotel and restaurant businesses, organized for human rights by supporting "workers struggling against injustices at work" and "the freedom to form a union as a fundamental human right" as described in literature published by the association as it formed in 1998.

With no budget and an all-volunteer effort, the Workers' Rights Network organized as a telephone network common to many neighborhood groups. It mandated itself as an association to get involved where local workers' were in difficult straits at work. This primarily included the mobilization of support for strikes and contract rallies called by local AFL-CIO affiliated unions, tracking NLRB Unfair Labor Practice charges filed on behalf of employees fired outside of traditional unionization campaigns, and encouraging efforts to avoid

NLRB unit determination hearings via grassroots campaigns for voluntary union recognition.

In the months adjacent to and after publication of the Human Rights Watch report, the Workers' Rights Network was responsible for building solidarity in a number of campaigns. This included community support for a clerical workers strike at the University of Minnesota–Duluth and increasing support for a contract campaign at the Duluth Radisson Hotel, causing health inspections and a whistleblower lawsuit at a residential nursing facility for patients with chemical dependencies, avoiding the NLRB unit determination hearing process by securing a wall-to-wall voluntary recognition agreement at a social service agency, and negotiating an Unfair Labor Practice settlement of over \$13,000 with a member fired by a health care center. These and other efforts were organized as all-volunteer grassroots community efforts with no organizational funding and a simple commitment to helping workers achieve justice at work.

A significant challenge came, however, as a protracted strike developed in the Gary New Duluth neighborhood of the city. One hundred and forty-five foundry workers, members of the United Steelworkers of America Local 1028, had entered the fifth month of a contentious strike with M.E. International, part of a multinational conglomerate operating a 24,000-ton alloy-casting plant producing steel liners for the mills that grind and crush rock from iron ore mines on the Mesaba, Marquette, Gogebic, and Menominee iron ranges throughout northern Minnesota, Wisconsin, and Michigan.

Replacement workers had been hired, according to some reports from as far away as the state of Georgia, and the fourth negotiating session in five months ended with setbacks and with no further talks scheduled. The workers' campaign, labeled "Justice and Dignity Now" had what became widespread community support, beyond the continued unanimous support of the striking foundry employees. Hundreds of people showed up for rallies at the strike line organized in part by the Catholic diocese. Thousands of signatures were collected in protest by a coalition of labor and religious leaders and were hand-delivered to the parent company's CEO in North Carolina.

The strike and protests were against health and safety violations at the foundry: Hands mangled by ladle wheels spinning unprotected, feet amputated on more than one occasion ("Molten steel takes no prisoners," explained Local 1028 president Bruce Lotti), Occupational Safety and Health Association (OSHA) citations allegedly not followed, the policy of unannounced mandatory forced overtime, a backlog of dozens of third-step grievances, unheeded arbitration orders, and over twenty unfair labor practice charges ranging from stopping workers' compensation-related benefit payments because of the strike to video and photograph surveillance of the strikers, including at their homes.

In the sixth month of the strike, activists in the Workers' Rights Network started to meet with the local union leadership on strike strategy. I participated in these meetings, and the consensus developed that a much broader outreach for solidarity was needed. The best way to do this was to communicate the experience of the workers on the ground in a manner that would gain as wide a resonance as possible. Workers' Rights Network activists would try, therefore, to more formally document the experiences of the foundry workers and their working conditions.

The group began documenting and reporting the experiences of working in an unsafe environment with no functioning health and safety committee, trying to maintain a family life with unannounced forced overtime, trying to collectively bargain as grievances were routinely ignored, and trying to exercise the right to strike when U.S. labor laws allowed for the hiring of replacement workers. This work became viewed as human rights fact-finding, and it became a critical task in the effort to communicate the need for solidarity to a broader constituency.

The information was assembled and, with corporate research into where the company had other locations, an assessment was made regarding where campaign efforts should begin. M.E. International's parent company operated two steel-grinding media facilities in Italy, which, unlike the United States, had labor laws in closer conformity to human rights standards. Italy was also known to some Workers' Rights Network members, many of whom were activists in the Catholic Worker movement. Italy was thus placed first on the list of campaigns efforts.

In a matter of days an international solidarity campaign was started, and Gianni Fornero, a Catholic priest and director of labor and social affairs for the Archdiocese of Turin, immediately lent his support and organized to host a delegation from Duluth. Ten days after first contact a two-person delegation from the Workers' Rights Network had arrived in Italy. Human rights fact-finding reports, prepared only days before, were given out at a face-to-face meeting with regional leaders of the *Confederazione Italiana Sindacati Lavoratori* (CISL) union in the city of Novara, nearby one of the two Italian M.E. International sister foundries. Another human rights report was delivered to local leaders of the *Confederazione Generale Italiana del Lavoro* (CGIL) union in the city of Piombino, where the second Italian M.E. International foundry was located.

Labor activists in Piombino used the information to pass a city council resolution in condemnation of the treatment of the Duluth workers, in violation of "the fundamental rights of workers and their families." In Novara CISL arranged a face-to-face meeting with workers on the shop floor of the foundry in the nearby village of Mezzomerico. A report was made to the workers during

a two-hour meeting. At the end of the meeting a unanimous vote was passed to schedule a series of hiccup sympathy strikes for the Duluth steelworkers. A strategic boost was won as the Mezzomerico workers took a second vote to continue their hiccup sympathy strikes regardless of ownership until the Minnesota foundry strike was settled (the parent company was negotiating with another firm to sell the foundry, heightening the importance of the second vote). These efforts were reported on the Dow Jones international newswire and were achieved as a community-based grassroots effort with a miniscule pass-the-hat budget of \$1,200 and change. Interestingly, a formal complaint to the International Labor Organization's Committee on Freedom of Association in Geneva was suggested by CISL's leadership committee in Novara to build additional support and leverage in campaigning elsewhere. This avenue was not pursued.

The Italian labor solidarity caused some ruckus in Duluth, where Local 1028 members began opening their general membership meetings to members of the Workers' Rights Network and where M.E. International began a campaign of disinformation in the local media to thwart the moral boost among the strikers. Company press releases claimed the Mezzomerico strike had been cancelled "after they learned that the Duluth facility had a better safety record than the Italian plant, and worked less overtime" (Me International Strike 1999–2000). Umberto Zilio, leader of Novara's CISL metalworkers, responded to the *Duluth News-Tribune* headline "MEI Strike in Italy in Question, Company Says Strike Cancelled" by issuing a statement reported in the following day's morning newspaper:

In reference to the false and incredible news brought forward by the local American press in Duluth regarding the so-called official notice distributed by MEI reporting news that Italian trade unions no longer support the workers of Duluth: Writing for this organization and the workers of the foundry in Mezzomerico, we are indignant about the continuous anti-trade union behavior of the American managers in Duluth, and we hereby reaffirm our ongoing solidarity with the upcoming work stoppages. (Workers' Rights Network 1998–2004)

The efforts to communicate in human rights terms continued in Spain, Scandinavia, and Chile, but M.E. International and USWA Local 1028 resumed negotiations within days of the Italian solidarity events and came to an agreement on safety and overtime within sixty days. The longest strike in Duluth history ended weeks later. While there remain unresolved problems at the foundry today, the magazine of the United Steelworkers headlined the community's MEI strike solidarity as "Overwhelming Community Support Aids

Victory” (Steellabor 2000). Members of the Workers’ Rights Network continued to pursue the strategy of human rights fact-finding by participating in online human rights investigation courses (one training by the Fahamu group) and by participating in a continuing legal education program entitled “Making the Global Local: Human Rights Fact-Finding and Reporting in Our Communities,” sponsored by the University of Minnesota Human Rights Center and the group Minnesota Advocates for Human Rights.

Reflecting upon the M.E. International strike in Duluth leads me to believe that human rights fact-finding in labor campaigns—essentially the reporting of experiences with labor law and working conditions in human rights terms—has the capacity to result in tangible leverage. The experience has also led me to realize that in adopting a human rights worldview—namely, a belief that the integrity of the person must not be violated—a basic obligation follows: When a human rights violation is perpetrated upon another human being it must be acknowledged and reported to the public. This is critical to maintaining the integrity of the person, serves to inform public policy, and is the reality of the “solemn obligation” to promote and defend human rights. Finally, and perhaps the reflection upon which I find the most solace as the U.S. policy paralysis on labor law continues, the enthusiasm with which these actions were met on the ground and the ease with which “workers’ rights as human rights” was understood in the community indicate the notion of human rights is far from a conceptual stretch for working people. This lends credence to the theories of scholars like James Gray Pope (2004), who argues workers hold an autonomous constitution of freedom—a constitution independent from but in many ways consistent with the International Labor Organization (ILO) International Labor Standards. The Human Rights Watch report on workers’ freedom of association continues to legitimize this on-the-ground labor activism by explaining the objectives of such community labor action as the simple realization of fundamental human rights at work.

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