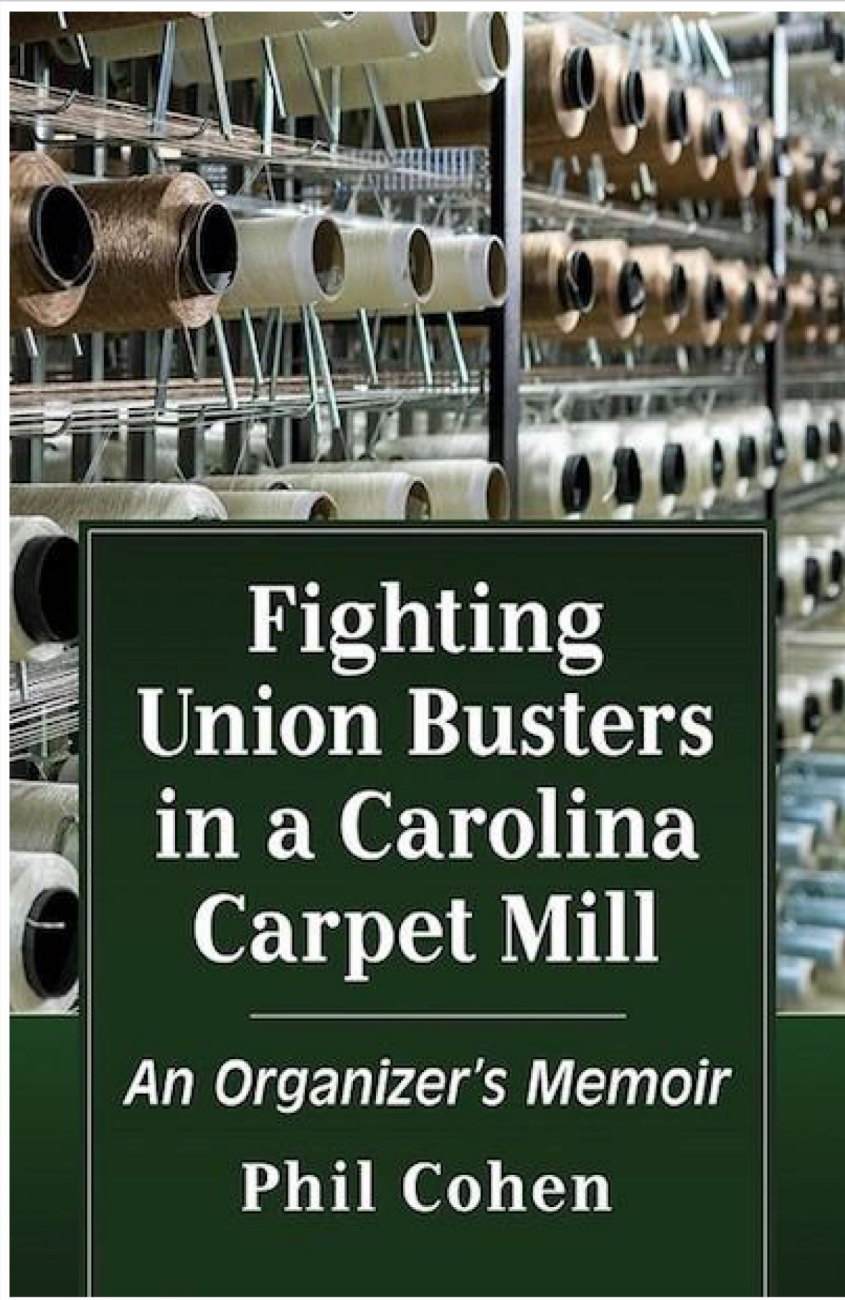


Phil Cohen Memoir 'Chronicles His Fight Against Union Busting' In North Carolina

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(NEW YORK CITY) - Phil Cohen, a Veteran Union Organizer, was called out of retirement in 2017 by Workers United/Service Employees International Union (SEIU) to investigate and expose an illegal Union-Busting plot by Mohawk Industries at its North Carolina carpet mill.

Cohen's account of his fight to prove that management was behind an unlawful Decertification Petition and forced Workers to sign using strong-arm tactics, is the subject of his memoir.

LaborPress talked with Cohen about his book, his background, and how he was able to achieve his final result:

LP: Please share with us a brief history of your activities as a Union Activist/Organizer.

PC: I signed my first Union Card as a New York City Taxi Driver in 1974. During 1980 I moved to North Carolina, found work as a City Bus Driver, and became Chief Steward of what had been a poorly-represented Amalgamated Transit

Union (ATU) Local. I forced the Town of Chapel Hill to the bargaining table, receiving a lot of press coverage in the process. In 1988, I was hired as a Lead Organizer and troubleshooter by the Amalgamated Clothing and Textile Workers Union, now called Workers United/SEIU. I became a specialist in defeating professional Union Busters and negotiating first contracts.

LP: What Anti-Union tactics did management use to coerce workers to sign their unlawful Decertification Petition?

PC: *Granting free rein to Anti-Union Employees - allowing them to roam the plant soliciting signatures during working hours. Numerous instances of direct management solicitation, both on the shop floor and calling Workers into their office. Mohawk held Captive Audience Meetings and frequently posted on its TV monitors (located in break rooms and throughout the plant) claiming to be champions of Workers' Rights, promising to defend their petition, and casting the National Labor Relations Board (NLRB) charges as lies.*

LP: *How did you persuade Workers to join you in your fight?*

PC: *The greatest challenge was helping Workers overcome their fear of management retaliation and accompanying me to the NLRB's Winston-Salem office to give sworn affidavits regarding the above. The Executive Board of Local 294-T was of great assistance. I gave them a crash course in the National Labor Relations Act (NLRA) and how to investigate Unfair Labor Practices (ULPs). They identified witnesses and convinced them to meet with me privately at the Union Hall, where I explained their rights and protections under Federal Law if they became a witness. I appealed to their courage and innate desire to see truth prevail.*

LP: *What evidence were you able to present to make your case?*

PC: *Three members of management - a department head, the human resource manager and a corporate human resource executive, were cited by the NLRB for numerous instances of direct solicitation, often involving coercion. This involved both cumulative testimony (numerous witnesses testifying about similar incidents) and corroborative testimony (multiple witnesses testifying about the same incident). We were also able to document management knowledge of Anti-Union Employees roaming the plant to solicit signatures during working hours. Based on witness testimony and material evidence, Mohawk was also cited for transferring the petitioner to third shift to solicit night Employees, unlawful surveillance of Employees, an unlawful posting, and making false promises to encourage decertification.*



Based on witness testimony and material evidence, Mohawk was also cited for transferring the *petitioner* to 3rd shift to solicit night employees, unlawful surveillance of employees, an unlawful posting, and making false promises to encourage decertification.

LP: How did the Right to Work Committee lawyers frame the issue?

PC: RTW lawyers entered their appearance during December, 2017 on behalf of the *petitioner* (the anti who actually signed the petition.) Bypassing the NLRB's Region 10 (based in Atlanta and overseeing the Winston-Salem field office), they appealed directly to Trump-appointed NLRB heads in Washington, portraying the petitioner as a champion of democracy, besieged by union thugs.

They referred to this as a *landmark case* that should be used as precedent to revoke NLRB regulations that had protected workers from company supported decertifications since 1935. They stated in their briefs that our case had national significance.

LP: What was your greatest challenge in your fight for victory? What was the final result?

PC: Region 10 of the NLRB issued a massive Complaint against Mohawk in April, 2018. It was the most substantive Complaint of my career, spanning countless NLRB cases. Mohawk's attorney appealed the Complaint and a trial was scheduled for early September, 2018. I began working closely with two US attorneys and a union lawyer to prosecute Mohawk.

Several weeks before the trial, confronted by an insurmountable wall of evidence, Mohawk capitulated. The petition was withdrawn and management entered into a Settlement Agreement with the NLRB, posting their numerous violations throughout the plant and on TV monitors. An unusual item of note: The Settlement Agreement did not include the customary *non admission of guilt* clause.

The greatest challenge I faced during this process was having to jump through more procedural hoops of fire and surpass a higher threshold of evidence than any case I ever mounted: a direct result of the pressure put on the NLRB's 32 regions by the Trump-appointed Board. Both the union and Region 10 understood the need to build a case formidable enough to survive an appeal to Washington.

A few of our very best witnesses were the most frightened. The process of convincing them first to meet with me, and ultimately with Board agents, was fraught with uncertainty and drama.

LP: Do you have any thoughts about current similar challenges facing unions today?

PC: One of the labor movement's greatest challenges is explaining the union's importance to younger workers who take for granted the wages, benefits, rights and protections of collective bargaining agreements they didn't fight for.

Employers running a decertification campaign from behind the scenes always use a divide and conquer strategy. In the South, it often involves race. But Mohawk attempted to divide workers based on age. One of their prevailing messages to younger employees was that in their nonunion plants, seniority had little meaning when it came to layoffs, job bids, etc. Management made selections based on "merit," and they encouraged younger employees to believe they were better than people with 30-50 years seniority. All but one of the petition solicitors was in their 20's or 30's.

The Trump NLRB has been systematically revoking regulations legislated to protect the rights of union workers in 1935. While Biden will attempt to reverse course, Trump appointees will continue to hold a majority on the Board well into his administration. (NLRB directors are appointed for staggered 5 year terms.)

The NLRB was created under FDR's administration, as part of the New Deal. Its mandate was to *encourage collective bargaining* and serve as an impartial arbiter of alleged unfair labor practices. I've dealt with every NLRB since George Bush Sr. Naturally, under Republican administrations, their decisions have leaned a bit to the right, while under Democratic administrations they've leaned a bit to the left. But it's always been within the parameters of their mandate.

I've never encountered anything like the Trump NLRB, who've changed their mandate to *discouraging collective bargaining* by eviscerating its legal foundation.

LP: Cohen has made copies of his book available at a special discount for those interested:

PC: Aware of the economic hardships currently faced by many working people, I bought an inventory of books from my publisher at the 40% author's discount, and am offering signed copies at cost on my website: <https://fightingunionbusters.org>