

UAW wants to unionize Tesla. It faces a tough and high-profile battle with Musk

Publication Date: 2023-12-11

Author: Michael Sainato

Section: Technology

Tags: Tesla, Elon Musk, US unions, analysis

Article URL: <https://www.theguardian.com/technology/2023/dec/11/uaw-tesla-elon-musk-unions>



Elon Musk and a powerful US union may clash next year in what could be a defining moment for both the embattled tech titan and an American labor movement seeking to flex its muscles fresh off a dramatic victory over Detroit's car makers. The fight is shaping up as 2023 draws to a close – a great year for US unions and a complicated one for Musk. The world's richest man has lit so many dumpster fires at X (née Twitter) that it is hard to see his many accomplishments for the smoke. Meanwhile, the US's biggest unions have pulled off a series of victories that have burnished their reputation in ways Musk can only envy. As the only US car manufacturer whose workers are not represented by a union, Musk's Tesla, the world's most valuable car company, has long been a target of the United Auto Workers (UAW). After years of scandal and setbacks, the union has a new leader who has scored a major – and highly popular – victory after taking industrial action against the Big Three car companies: Ford, General Motors and Stellantis. The UAW is seeking to continue that momentum by taking on non-union auto corporations, with Tesla an important target given its dominant market role in the transition to electric vehicles. "Elon Musk is the richest man in the world, with a net worth of \$230bn," notes the UAW's new organizing website. "US production has more than doubled since 2020, and Tesla's sales are booming. The question is, will Tesla workers get their fair share? It's time for Tesla workers to Stand Up and fight for more." It looks to be a tough, and high-profile, battle. Inside Tesla, pro-union workers are hopeful but realistic. They fear Musk's previous ruthlessness towards workers trying to unionize and the slow, ineffective processes for enforcing US labor laws could hinder efforts. "There's so much disinformation," said a pro-union Tesla worker at the company's Fremont, California, plant who requested to remain anonymous for fear of retaliation. A previous attempt to unionize ended with "Elon firing everybody, and it's going to be years of litigation", they said. "He doesn't care about that, he got them out of there. It's going to be a long time until they get their jobs back. It's disgusting what they're doing, but that's Elon, he doesn't care. He doesn't care about any of the workers here." The UAW has attempted to unionize Tesla facilities before, most notably in 2016 in Fremont, at Tesla's "factory of the future", a venue where hard-pressed workers had reported problems including fainting spells, seizures, abnormal breathing and chest pains. As organizing took off, Musk seized on those complaints, pledging to have "every injury be reported directly to me, without exception" and promising to make safety his top priority. The union drive failed. Since then Musk has changed, becoming seemingly ever more combative and mercurial. Tesla has changed too – it became the world's most valuable automaker in 2020 and started generating profits after years of losses. The UAW has also undergone a transformation. After a corruption scandal involving the union's leaders resulted in numerous criminal charges in 2020, Shawn Fain won election as president in March 2023 on a reform ticket and has emerged as a potent force in US labor, courted by both Joe Biden

and Donald Trump. In his first big test as leader of the union, he helped the UAW secure historic gains in their contracts with the Big Three and won the backing of both likely presidential candidates at a time when opinion polls show that support for US unions has reached levels unseen since the 1960s. "The approach of the union leadership to organizing has changed, and the change is overdue. The emphasis is on public communication and mobilizing workers at multiple firms. In the past they would focus on one non-union plant at a time; now they say they're focusing on all of them," said Ian Greer, the director of the Ithaca industrial and labor relations (IRL) co-lab and a research professor at Cornell University. He explained that the non-union assembly industry has been an issue for the UAW since the 1980s, but emphasized the UAW under new leadership has changed their approach in how they talk about non-union workers as "future union brothers and sisters". "The agreements at the Detroit Three will make unionization more attractive to the unorganized in terms of potential economic gains than it was before," he added. "I don't see Tesla as very different from the other non-union automakers in these respects, but Elon Musk's belligerent public statements may be useful for organizers given the newfound sophistication of the union's communications." The UAW's previous efforts to unionize Tesla came up short after allegations of retaliation and union-busting that may indicate a battle plan for how Tesla is likely to fight the UAW's latest drive. Among the workers to lose their jobs last time was union organizer Richard Ortiz, a worker at the Tesla plant in Fremont. A federal appeals court upheld a ruling by the National Labor Relations Board (NLRB) in March 2023 that Ortiz was unlawfully terminated by Tesla in retaliation for union organizing and ordered his reinstatement. Tesla is still appealing that decision. The court also upheld a ruling that Musk violated labor law by tweeting that Tesla workers would lose stock options if they unionized, ordering Musk to delete the tweet. Jose Moran, another worker at the Fremont plant, wrote a public blog post detailing the grievances facing workers at the plant in 2017. Musk falsely accused Moran of being a paid agitator for the union. Moran claimed Musk offered to remedy workers' safety complaints if workers refrained from unionizing. In 2018, Dezzimond Vaughn, a worker at the Fremont plant, and his supervisor told the Guardian that Tesla had changed his performance reviews to justify firing him for union activity. Tesla denied that the firing was retaliatory and claimed that unfair labor practice filings are an organizing tactic. Crystal Guardado also claimed in an interview with the Guardian in 2018 that she had been fired by Tesla for being involved with the union drive under the guise of her testing positive for marijuana, though she said she had provided human resources with her medical marijuana documentation. "I believe Tesla definitely needs a union," Guardado told the Guardian in response to the renewed organizing drive, citing she has still heard of the same issues from workers at the plant, including unequal pay, favoritism and rampant retaliation. Tesla has also faced allegations of firing workers in retaliation for union organizing in Buffalo, New York, as part of a 2019 United Steelworkers union drive and more recently in March 2023, a day after Workers United publicly announced a union drive at Buffalo's Gigafactory 2. The union is currently appealing a ruling that dismisses that claim but found merit on two separate claims against Tesla's response to the union drive. In April 2023, an administrative judge ruled that Tesla violated labor law by suppressing workers at a service center in Orlando, Florida, from discussing pay and bringing up working condition grievances. There are currently 17 open unfair labor practice charges pending with the NLRB involving Tesla, which has denied all previous allegations of retaliation. Musk is already battling with far stronger labor forces in Sweden and has taken to X to attack them, calling their actions "insane". The coming dispute will no doubt be fought out on X (although the UAW's Fain seems to prefer Facebook) but Musk's overarching attitude to unions is clear. Like union-bashers before him, Musk characterizes unions as adversaries and not as a collective voice for workers. "I disagree with the idea of unions ... [because] I just don't like anything which creates a lords and peasants sort of thing," Musk said at the New York Time's Dealbook conference last month. "If Tesla gets unionized, it will be because we deserved it, and because we failed in some way." Like Amazon and Starbucks, Tesla is likely to use the US's broken labor protections to try to stop the UAW, said Cathy Creighton, the director of Cornell's Buffalo IRL co-lab and a former field attorney for the NLRB. "Because of our very weak labor laws in the US, it's very hard for workers to form a union in their workplace as evidenced by Elon Musk's anti-union tactics," said Creighton, who added that Musk is facing a tougher fight this time. "The primary reason we see young people unionizing is they want to have a voice in their workplace. They don't want to be subjected to just whatever happens to them without any say," she said. "With a power discrepancy between a big employer and one particular lone voice of one worker, there's no way that worker can achieve any real gains without a collective voice. "I think that people are understanding that, and that's why we have these very high rates of public support for unions, astonishingly high rates of support for the auto workers strike from the public. So, if I was Elon Musk and I wanted the status quo, I'd be nervous that the status quo might be changing in the future."