



Historical Journal of Massachusetts

Bruce Cohen, "From Norton to Saint-Gaubin 1885-2006: Grinding Labor Down" *Historical Journal of Massachusetts* Volume 34, No. 2 (Summer 2006).

Published by: Institute for Massachusetts Studies and Westfield State University

You may use content in this archive for your personal, non-commercial use. Please contact the *Historical Journal of Massachusetts* regarding any further use of this work:

masshistoryjournal@westfield.ma.edu

Funding for digitization of issues was provided through a generous grant from MassHumanities.



Some digitized versions of the articles have been reformatted from their original, published appearance. When citing, please give the original print source (volume/ number/ date) but add "retrieved from HJM's online archive at <http://www.westfield.ma.edu/mhj>.



From Norton to Saint-Gobain, 1885-2006: Grinding Labor Down

By

Bruce Cohen

The Norton Company dates back to 1858 when two Bennington, Vermont men, Franklin Norton and Frederick Hancock, founded a pottery shop in Worcester, Massachusetts. The shop was relocated to 41 Water Street after its original location on Washington Square was undermined by railroad construction. While the making of jugs, mugs, crocks, and pitchers was the firm's line, matters changed after the hiring of Swedish immigrants from Hoganas, an industrial community.¹

Sven Pulson began to develop emery grinding wheels by the 1870s, but it was his brother-in-law John Jeppson who essentially converted F.B. Norton Pottery into the Norton Emery Wheel Company in 1885 with the aid of Milton Higgins, George Alden, Charles Allen, and Walter Messer. By 1887, the new firm had relocated to Barber's Crossing, Greendale, and quickly expanded to include the production of grinding machines as well as emery wheels.² By the early 1890s, the electric trolley replaced the horse-car as a means of getting employees to and from work.

By 1900, the Norton Grinding Company was incorporated as well. The two Norton companies prospered in Greendale and by 1906 more

¹ Mildred M. Tymeson, *The Norton Company* (Worcester: Norton Company, 1953), 2-10.

² Ibid., 27-56.

than a thousand workers were employed by the two firms.³ The Norton Emery Wheel Company was renamed the Norton Company in 1906, reflecting the shift from emery to Alundum.⁴ The death of Milton Higgins in 1916 led to George I. Alden becoming president of the Norton company. Norton also changed its work methods shifting to Taylorization and the piece rate system. By 1915 Health, Safety and Training Departments were set up.

The paternalism of Norton was witnessed in recognition of workers through festivals and in the company paper, *The Norton Spirit*. Around 1915, "Seventy-five percent of the Norton factory workers were Swedish and of the men who came from Sweden before 1900, 78 reached, and even went beyond 25 years of service with Norton."⁵ The company also encouraged its employees to buy houses nearby -- by 1916, fifty-nine houses were completed in the unit called Indian Hill.⁶

But the Norton Grinding Company workers chaffed at times under President George I. Alden and Superintendent John Spence. Less than half of its workers were paid the "decency wage" of \$7.20. The workers were more mixed in ethnic composition than the Swedish dominated Norton Emery Wheel Company. When a machinists' strike broke out in Worcester in September, 1915 over demands for the eight-hour day, a pay increase of five cents an hour, and overtime, the Norton machinists joined in after a number of other firms had struck.⁷

As early as September 25, 1915, President Alden refused to accept any of the union's demands, and by October 1 he fired twenty workers employed in organizing activities. By October 8th the employees met to consider a strike. When the State Board of Conciliation and Arbitration (SBCA) asked for deferral of a strike vote, the workers obliged. But on October 9, 1915, a systematic lockout was instigated by George I. Alden and John Spence. Workers were told the plant was shut down until

³ Ibid., 85, 103.

⁴ Ibid., 104.

⁵ Ibid., 129.

⁶ Ibid., 138-142.

⁷ Bruce Cohen, "The Machinists' Strike of 1915," *Historical Journal of Massachusetts*, Vol. XVI, 2 (Summer 1988), 154-171.

Monday, October 11th. Workers who wanted to work were required to sign yellow-dog contracts on that date. Only 245 of 570 signed these contracts, which were deemed illegal by the State Board.⁸

The 325 remaining employees were fired and subsequently placed on a “black list,” maintained by the National Metal Trades Association’s Worcester branch. Norton’s own files reveal Alden and Spence’s lock-out tactics. Spence gave credit to the NMTA membership for the successful breaking of the strike. He also praised his own conduct in isolating the discharged men when they came to clean out their lockers. Spence bragged that if they “communicated with any men, working in our plant, except the (foreman) guide...that they we would not hesitate to knock them on the head with a chunk of steel and throw them out of the window.”⁹

The 1915 Report of the SBCA strongly condemned the manufacturers’ conduct both before and during the strike, particularly the manufacturers’ refusal to submit the eight-hour day issue to arbitration. While the Board called for the settlement of the strike through negotiation or arbitration, the strike failed by the end of the year and the SBCA issued a certificate of normalcy to Norton Grinding Company on January 7, 1916 despite a sharp decline in Norton’s production.¹⁰

Either because of lack of strike funds or because of attractive job opportunities in other cities, such as Springfield and Bridgeport, where Remington Arms, desperate for help, cut its work week from 55 to 48 hours (over six days) and increased wages by a dollar a day, half to two-thirds of the strikers left Worcester. Many blamed the International Association of Machinists’ (IAM) organizational failures as well as the Central Labor Union’s (CLU) lack of financial support for the strike’s failure, but the strength and unity of the metal trade manufacturers, as displayed through the efforts of Alden of Norton Grinding and Donald Tulloch, of the NMTA, were arguably more important in breaking the strike.¹¹

⁸ Ibid.

⁹ Ibid., 164.

¹⁰ Ibid., 154-171.

¹¹ Ibid.

Norton also faced difficult personnel decisions. As World War I approached, its labor force had grown to 4500. By 1917, women were added to the drawing room of the Grinding Company and by 1918 200 were employed. Italian and Greek immigrants were added as laborers, as well as German internees.¹² By 1917, Norton memos indicated: that 46% of its employees were non-citizens; the names of Greek employees were stated; and declared that only 24% of its employees were Swedish.¹³ More housing units were constructed on Indian Hill to meet employee needs.

World War I also brought a call for the open shop. The Norton Grinding Company directors' meeting of June 28, 1918 voted "that we approve the policy of advertising in Worcester newspapers loyal to the open shop, in connection with their advertising campaign to influence labor to remain in Worcester..." After the fourteen Worcester foundries failed to follow the recommendation of the National War Labor Board on March 26, 1919 that wage increases retroactive from October 1, 1918 be granted by May 1, 1919, the iron molders struck on May 9. The workers had also sought an eight-hour day but the NWLB had not taken action on that provision despite the International Molder's Union's (IMU) efforts.¹⁴

The strike galvanized the metal trade manufacturers in Worcester, who had formed a new organization, called the Thursday Noon Club, to use new methods, including shop newspapers, such as *The Norton Spirit* for open shop propaganda purposes. Together with the NMTA and the local media, the manufacturers argued that re-conversion, unemployment, labor demands, and radicalism were problems closing in on them. George Jeppson of the Norton Company pursued the theme of Bolshevism in *The Norton Spirit* as well as in contacts with private agents and the United States government. In addition, the fear of a general strike led to George Jeppson distributing copies of a report by R. Sanford Riley, president of the Sanford Stoker Company and of the Worcester Chamber of Commerce, calling for an organization

¹² Tymeson, 146.

¹³ Cohen, "The Machinists' Strike of 1915," 169.

¹⁴ Bruce Cohen, "Worcester, Open Shop City: The NMTA and the Molders' Strike Of 1918-1920," in *Labor in Massachusetts: Selected Essays*, edited by Kenneth Fones-Wolf and Martin Kaufman (Westfield: Institute for Massachusetts Studies, 1990), 168-198.

(Committee of 1000) to combat a Winnipeg general strike event in Worcester.¹⁵

While the molders' strike was broken by intimidation, injunctions and arrests, many molders left Worcester for good for the 51 of 58 cities that had granted the eight-hour day and better wages. Many of the foundries barely survived the strike and after both firms suffered \$400,000 in losses. The Reed-Prentice Foundry was closed by its new owners and combined with the Whitcomb-Blaisdell Foundry in 1920.¹⁶

After the war, the Norton Grinding Company was merged with the Norton Company on June 24, 1919. Alden became Chairman of the Board, Charles Allen became President, Aldus Higgins became Treasurer and Counsel, and George Jeppson, Secretary and Works Manager. John Jeppson I had died in 1910.

The recession of 1921 severely affected the metal trades industries in Worcester. Even the newly merged Norton Company suffered significantly. Work was reduced to a four-day schedule with a 14% reduction of wages. "Employment dropped abruptly from over 4000 to 764. The four new mills of the machine division were empty and there were only 28 people working in the whole division." Rent reduction of the Indian Hills homes occurred and the Mutual Benefit Association collected no dues.¹⁷ Norton set up a priority hiring and retention system, which stipulated that veterans were the first considered and that aliens and women were at the bottom. Many of the World War I "new hires" were gone. While Norton bounced back after a year-and-a-half of recession, many of the foundries did not. By the end of the 1920s, there was only one large foundry left, although there were approximately a dozen companies with small foundries. Ironically, the last major foundry, Standard Foundry, was still a union shop and remained so until 1931.¹⁸

The Norton Company became a true multinational in the 1920s. In addition to its German plant, it added properties in France, England and Canada. The grinding machine division grew with the automobile age.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Tymeson, 170.

¹⁸ Cohen, 193-194.

George Alden died in 1926, and in 1933 Charles Allen became Chairman of the Board and Aldus Higgins became President and General Manager. George Jeppson became Treasurer and Vice President in charge of production. Despite the depression of the 1930s, Norton expanded its Greendale facilities by 1938. World War II pushed Norton's employees back to the 4000 level.¹⁹ "In contrast to the 80% layoff rate in the previous depression (early 1920s), 50% of the workers remained on the payroll between 1929 and 1932 with a staggered work system and shorter work week."²⁰

The firm lost Charles Allen in 1940 and his position as Chairman of the Board was filled by Aldus Higgins. George Jeppson replaced him as President of Norton Company. World War II led to the hiring of 1900 women as well as extensive recruiting in New England; 12,000 employees were now at work. New innovations in abrasives and grinding wheels occurred during the war years. The firm's paternalism was reflected in retirement plans and bonuses being introduced after World War II. After Aldus Higgins died in 1948, the firm expanded its administration in 1952. George Jeppson remained Chairman of the Board and Milton Higgins President. The company remained an "inside organization" into the 1950s. A South African plant had been added in 1951 to further develop diamond wheels. Norton's abrasive plants now also included Quebec. New subsidiaries were added: Behr-Manning and Norton Pike. In 1952, Norton Company employed 5500 people and 60% of the employees lived outside of a five-mile radius with its twelve major branches, its nine foreign plants, its affiliates, and its company-owned warehouses.

Norton employed 12,000 people worldwide in 1952. The company built a major Grinding Machine addition that year. Norton was impacted by the Worcester Tornado of 1953, which took 95 lives in the area.²¹

Norton and other firms in the abrasive industries faced anti-trust litigation in the late 1940s and consented to ending price-fixing in the industry and also to ending associations established for price-fixing.

¹⁹ Tymeson, 230.

²⁰ Charles Cheape, *Family Firm to Modern Multinational: Norton Company, a New England Enterprise*, (Cambridge: Harvard University Press, 1985), 151.

²¹ Tymeson, 199-232.

Norton continued its foreign expansion in the 1950s now into Africa, South America, and potentially Asia. Organizational problems demanded decentralization, and eventually Norton went public, diversified, and decentralized in a piecemeal fashion. Norton also merged with the National Research Corporation in the 1960s.²²

By the mid-1960s, Norton continued to diversify through acquisition of Clipper Company of Kansas City and US Stoneware Company of Akron, Ohio. But rationalization and divestment, not expansion, were really needed. Norton lacked sufficient working capital in the mid to late 1960s. Maturation in abrasives also slowed Norton's cost advantages and then its market share. The transition from the family firm to modern multinational was enhanced by the appointment of John Jeppson II as President and CEO in 1967. By the time Jeppson left the position in 1971, he had decentralized his diversified corporation. In 1971, Milton Higgins stepped down to Chairman of the Finance Committee, Jeppson became Chairman of the Board and Robert Cushman became President and Chief Executive Officer. Cushman led Norton along the lines of systematic management during the 1970s. Norton became smaller but more focused during his tenure. Donald Melville led the diversification process, and the Machine Tool Division was divested at the same time that twelve firms and twenty-two plants were acquired. Harry Duane focused on the abrasive group. Norton also acquired the Christiansen Company that was known for producing diamond drill bits as a key to high-growth diversification.²³

By the 1970s, the majority of Norton's board of directors had become outsiders. "The old, paternal labor relationship had weakened in the face of expansion, diversification, and the passing of owner-management."²⁴ Most workers were American-born and a majority of the workers worked outside Worcester and the US. Half the work force was unionized by 1973, and corporate leadership had moved from Greendale to downtown Worcester. By 1980, Cushman stepped down and was replaced by Donald Melville. Norton was doing well economically, and "Norton was a true multinational with half its income

²² Cheape, 243-263.

²³ Ibid., 263-301.

²⁴ Ibid., 344.

and work force outside the United States.”²⁵ The old Norton connection was ended with the resignation of John Jeppson as Chairman of the Board.

Norton faced strategic planning problems in the 1980s: economic recession, investment and product development assumption and international development. With continued diversification, decentralization, and planned shrinkage of abrasives contributions issues such as corporate identity, social responsibility, multinational operation, and continued growth and profitability led to Norton itself being acquired by Saint-Gobain, a French multinational, in 1990 while another multinational British Tire and Rubber of Great Britain pursued it.²⁶ BTR’s attempt at a hostile take-over of Norton led to Rep. Brian J. Donnelly introducing legislation on April 26, 1990 to prevent such takeovers. Using a previous measure, the Exxon-Florio amendment (Aug. 7. 1988) to Executive Order 11858, signed by President Ford in 1975, 119 members of Congress called for an investigation of BTR’s hostile bid on April 19, 1990.²⁷

Suddenly a “White Knight,” France’s Compagnie de Saint-Gobain, stepped forward with a better deal: \$90 a share, which was much more than BTR’s \$75 a share. While BTR’s offer was considered a threat to both America’s economic security and national security interests, no such issues were brought up concerning Saint-Gobain’s offer.²⁸ Saint-Gobain thus was permitted to purchase Norton Company. In addition, through the Norton’s efforts, the Massachusetts Legislature unanimously passed legislation that all Massachusetts corporations have three-year staggered terms for boards of directors. Ironically, this anti-BTR move

²⁵ Ibid., 348.

²⁶ Ibid., 362.

²⁷ Hon. Brian J. Donnelly, “Corporate Takeover Legislation,” April 26-27, 1990; Letter to President, House of Representatives, April 19, 1990.

²⁸ Syed Karim, “Foreign Acquisition of US Companies,” Executive Research Project S 11 (Washington, D.C.: The Industrial College of the Armed Forces, 1995), 15-17.

disenfranchised share holders by eliminating annual election of directors.²⁹

In the 1990s, there were several attempts to organize Saint-Gobain Norton but they failed as had earlier attempts to organize the “original” Norton Company. Finally, in August 2001, by a vote of 406-386, Norton Worcester Unit employees voted for UAW representation. Saint-Gobain Norton filed objections to conduct affecting the results of that election, but the NLRB overruled these objections on December 20, 2001.³⁰ Bargaining began in February, 2002, but no collective bargaining agreement was reached despite 140 negotiating sessions. The UAW had spent several years attempting to get the original elections but had encountered much opposition from Saint-Gobain. The French firm had over 100 facilities and 20,000 employees in the United States and Canada, and its American headquarters was located in Valley Forge, Pennsylvania.³¹

The NLRB on December 20, 2001 threw out Saint-Gobain’s objections to pro-union statements by Congressman James McGovern in terms of “upsetting the laboratory conditions for a fair election.”³² Saint-Gobain had previously been criticized for shutting down Biwater in Derbyshire, England shortly after purchasing the firm in April, 2000. Saint-Gobain was accused of carrying-out similar asset-stripping operations in England and Italy and of attempting to establish a cartel on water pipes operating from South Africa.³³

Negotiations at Norton were made more difficult by an intransigent management led by Steven A Stockman, and a movement called

²⁹ Robert A.G. Monks and Nell Minow, *Power and Accountability: Restoring the Balance of Power between Corporations, Owners, and Society* (New York: Harper Business, 1991), 142-143.

³⁰ *Saint-Gobain Abrasives, Inc.* (1-RC-21388; 337 NLRB 8), Worcester, MA, Dec. 20, 2001.

³¹ *Saint-Gobain Abrasives & UAW, AFL-CIO* (343 NLRB 68), Washington DC, Oct. 29, 2004.

³² *Saint-Gobain Abrasives, Inc.*, 337 NLRB 8.

³³ Matthew Carr, “Doffing Caps to the Corporation,” website www.RedPepper.org.uk/natarch/xDerbyshire.html, January 2001.

“Grassroots Coalition against the Union” almost immediately called for decertification and was financially and legally supported by the National Right to Work Foundation, based in Virginia. Eventually both sides turned to the NLRB for recourse. The UAW (Local 4069) accused Saint-Gobain of implementing an interim health insurance program in 2002. While the Administrative Law Judge on April 27, 2004 held that this was not an unfair labor practice, he upheld an unfair labor practice on management for changing scheduled work hours of employees. His decision was upheld by the NLRB on October 29, 2004.³⁴

Meanwhile the union held a strike vote on November 2003 and engaged in a brief strike. A decertification petition was administratively dismissed by the Regional Director for Regional NLRB on October 2, 2003, but this decision was overturned by a 3-2 vote of the full NLRB on July 8, 2004. A second decertification petition hearing was held September 21, 2004. On December 7, 2004 the Regional Director was directed to disregard the employer’s statement in the *Worcester Telegram and Gazette*, July 25, 2004 or its posting of a *Wall Street Journal* article of September 3, 2004 as unlawful threats of plant closure.³⁵ The Board’s General Counsel on December 9, 2004 told the Regional Director to hold the decertification election that the Board’s decision now rendered applicable.³⁶

On January 27-28, 2005, a decertification vote was held at Saint-Gobain-NortonWorcester and UAW Local 4069 was decertified in February 2005 by a count of 350-309.³⁷ UAW supporters said they would challenge the results. “It wasn’t a fair vote,” said Tony Quitadamo, a member of UAW Local 4069 Bargaining Committee of

³⁴ *Saint-Gobain Abrasives Inc.* (1-RD-2003, 342 NLRB 39), Boston, MA July 8, 2004; (343 NLRB 68), Washington DC, October 29, 2004.

³⁵ Barry J. Kearney, Associate General Council, Division of Advice NLRB to Rosemary Pye, Regional Director -- Region 1, Re: *Saint-Gobain Abrasives, Inc.* (1-CA-42006), December 7, 2004.

³⁶ Richard A. Siegel, Associate General Counsel, NLRB Memo OM OS-20 to All Regional Directors Re: *Saint-Gobain Abrasives* (342 NLRB 39), July 8, 2004, December 9, 2004.

³⁷ Bob Kievra, “UAW Ousted at Saint-Gobain” *Worcester Telegram and Gazette*, January 29, 2005.

Saint Gobain. "They threatened our livelihood. You can't have a fair vote when someone says you could lose your job if you vote a certain way." The statements were attributed to an anti-union employee organization called "The Grassroots Coalition Against the Union." "Everybody knows that Grassroots is just a mouthpiece for the company," he said. "We're not going to sit still when multinational companies come into our communities and engage in this kind of economic blackmail," said Phil Wheeler director of UAW Region 9A, which includes Massachusetts. "We're going to ask the NLRB to investigate the unholy alliance between Saint-Gobain executives, the Grassroots Coalition, and the National Right-to-Work Legal Defense Foundation."³⁸

In January 2002, Saint-Gobain agreed to negotiate with the UAW. "The UAW campaign was assisted by the Federation Chimie Energie CFDT and the Fedechimie CGT-FO, two unions which represent Saint-Gobain workers in France and by the 20 million-strong International Federation of Chemical, Energy, Mine, and General Workers Unions (ICEM) to which the UAW and the French unions are affiliated."³⁹ By February 2003, UAW members, frustrated by the lack of progress in negotiations, demonstrated outside the company North American headquarters in Valley Forge, Pennsylvania. UAW Local 469 was joined by UAW Local 365, Certain Teed IG-Mountaintop, Pennsylvania.⁴⁰ The Saint Gobain workers gained support in 2003 from other unions, including the UE, and the "ICEM together with the AFL-CIO and UAW solicited the US NCP to examine breaches of the guidelines by Saint-Gobain. The NCP was requested to bring the matter to the attention of the French NCP. Saint-Gobain's actions also led to complaints by the NLRB and fines by OSHA."⁴¹

³⁸ UAW Local 4069, *Statement*, February 3, 2005.

³⁹ "Saint-Gobain Recognizes American Union: Global Labour Helped Secure Victory," 6 *ICEM Update*, January 17, 2002.

⁴⁰ www.theautochannel.com/news, February 27, 2003 (UAW Local 4069, UAW 369).

⁴¹ OCED, *Guidelines for Multinational Enterprises: TUAC Internal Analyses of Treatment of Cases Raised with National Contact Points*, February 2001-May 2005 (Saint-Gobain, June 2003), 15-16.

The French NCP followed up by asking the US NCP to convene a meeting with Saint-Gobain, but Saint-Gobain said the issues should be considered by the NLRB and not the NCP, using national law as its basis.⁴² Also, the ICEM's Director of Organization informed Saint-Gobain that the ICEM, UAW, and AFL-CIO on June 5, 2003 had formally written to the Organization for Economic Co-operation and Development (OECD) asking for an inquiry into the firm's industrial behavior in Worcester, including allegations that the firm had violated several guidelines for multinational enterprises.⁴³

By the time that the ICEM and French trade unions met with company officials in Worcester on January 24, 2005, it was on the eve of a decertification vote to be held on January 27-28, 2005. Saint-Gobain's Paris management refused to intervene in the union-busting activities of the US management.⁴⁴ The ICEM supported an appeal by the UAW to the NLRB of the UAW's decertification on January 27-28, 2005 by a vote of 309-350. The ICEM also tried to meet with Saint-Gobain's CEO Jean-Louis Beffa to try to get him to recognize the UAW and to commit the firm to collective bargaining.⁴⁵ The International Labor Communications Association posted a memo on February 10, 2005 arguing that the Saint-Gobain tactics would not have been permitted if the Employee Free-Choice Act was in place.⁴⁶ TUAC's internal analysis of "Treatment of Cases Raised with National Contact Points," February 2001-May 2005 followed the Saint-Gobain case from June 2003 to decertification in January, 2005.

Saint-Gobain's track record in the United States is one of intransigent resistance to collective bargaining in all its divisions. In

⁴² Ibid.

⁴³ "UAW Questions Saint-Gobain's Labour Practices," 15 *ICEM Update*, June 6, 2003.

⁴⁴ "Saint-Gobain's Union-Busting Falls on Deaf Ears in Paris," 3 *ICEM Update*, January 25, 2005.

⁴⁵ "ICEM Decries Saint-Gobain Election Conduct in US," 5 *ICEM Update*, February 4, 2005.

⁴⁶ David Swanson, "Saint-Gobain Workers Set Back in Quest for Justice," www.ilcaonline.org, February 10, 2005.

July, 2001 the NLRB found that Saint-Gobain had refused to bargain with the United Steel Workers of America in Niagara Falls, NY and ordered Saint-Gobain to recognize and bargain with the USWA, Local 9436 there. When Saint-Gobain appealed for review of this NLRB decision to the US Court of Appeals for the District of Columbia Circuit, the court decided on November 26, 2002 (amended on December 3, 2002) "Accordingly...we deny the petition for review and grant the Board's application for enforcement of its order."⁴⁷

In conclusion, the paternalism of the Norton Company hardened by its anti-unionism changed to a less paternalistic and more leveraged anti-unionism under Saint Gobain. The "White Knight" of 1990 has shown propensities that are more like those of the "Black Knight," BTR. Mildred Tymeson's book, *The Norton Story*, covers the period from the pottery days of 1858 to the grinding machines of the 1950s. Charles W. Cheape continued Tymeson's story of Norton through 1985 with his exceptional business history, *Family Firm to Modern Multi-National: Norton Company a New England Enterprise*. The take-over attempts by both BTR (British) and Saint-Gobain, (French) one hostile and the other welcomed, epitomize the shift of multinational enterprise from American control to European control.⁴⁸ Unfortunately, the paternalism of both Tymeson and Cheape's story has been replaced by the "lean and mean tactics" more often displayed by American multinationals. Since its take-over, Saint-Gobain, in contrast to its European operations, has fought collective bargaining in the United States. Backed by both hard-nose labor lawyers, such as Jackson Lewis, and hard-nose American managers, such as Steven A. Stockman, both the USWA (Niagara Falls, NY), and the UAW (Worcester) have been frustrated in gaining recognition.⁴⁹ Political change in the composition of the NLRB has also helped Saint-Gobain grind its workers down at its Norton facilities in Worcester. After three-and-a-half years of both a contentious election and bargaining, the UAW failed to get a first contract and was

⁴⁷ *Saint-Gobain Industrial Ceramics NLRB US DC Circuit Court of Appeals*, Case #01-1365, December 3, 2002.

⁴⁸ John Burgess, "Norton's Defense: The British Are Bad, but the French Have a Better Deal," *The Washington Post*, May 2, 1990.

⁴⁹ "UAW Questions Saint-Gobain's Labour Practices," 15 *ICEM Update*, June 6, 2003.

decertified. Saint-Gobain would not have gotten away with its tactics of harassment, intimidation, and coercion if the Employee Free Choice Act was law and if the NLRB was not dominated by Republican anti-labor members, including the Chairman, Robert Bautista.⁵⁰

Ironically, on October 19, 2005 the United States Court of Appeals for the First Circuit reaffirmed the NLRB's finding that Saint-Gobain had violated the NLRA "when it unilaterally reduced the work hours of a particular cadre of employees within a collective bargaining unit."⁵¹ In reaffirming the NLRB's order that among other provisions of October 29, 1004 such as requiring back pay and reinstating the 8-hour work day the court also upheld the NLRB's directive that "Saint-Gobain bargain further with the union."⁵² Since the UAW was decertified at Norton Saint-Gobain earlier in 2005, the question now is one of overturning that ruling and returning to collective bargaining between the parties. That question was resolved on March 28, 2006 by Admistrative Law Judge Arthur J. Amchan when he ruled that there would be no second decertification election. Judge Amchan said "that while the company did violate labor laws, the union had agreed to the election while the unfaill labor practice complaints were pending." The judge said that thwile the election "may not reflect an uncoerced majority of the ballots," negating its results "would render that election as a sham" because the union was aware of the pending labor claims.⁵³

⁵⁰ David Swanson, "Workers Wait Six Years to Learn Who Won," www.ilcaonline.org, February 10, 2005.

⁵¹ *USCA Opinion OS-1061 NLRB and UAW v. Saint-Gobain* Petition for Enforcement of an order of the NLRB, October 19, 2005, 2.

⁵² *Ibid.*, 6.

⁵³ Bob Kievra, "Judge Rejects St. Gobain Election Bid," *Worcester Telegram & Gazette*, March 29, 2006.