

UNION ROLES IN MUSLIM IMMIGRANT WORKER INCORPORATION:

THE CASE OF SOMALI WORKERS IN MIDDLE TENNESSEE

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March 4, 2014

Written as a research contribution for the book *Mobilizing against Inequality: Unions, Immigrant Workers, and the Crisis of Capitalism*, Lee Adler, Maite Tapia and Lowell Turner (eds.), Ithaca: ILR Press, 2014. Case study originally prepared for Lowell Turner and Lee Adler's project, "Labor Unions and the Civic Integration of Immigrant Workers" and submitted on October 4, 2012.

During the mid- and late 2000s in Middle Tennessee, first-generation Somali immigrant workers have participated in labor campaigns among Nashville taxi drivers and Tyson poultry-processing factory workers in rural Shelbyville, Tennessee. Labor organizing among first-generation Somali immigrants in Middle Tennessee is a contemporary case in point of immigrant incorporation under conditions of nativism and employer resistance in the inter-coastal region of the U.S.¹ They are an “embattled” immigrant group, compared to other immigrant groups in the region, in that they are more likely to experience adverse relations with native local authorities, such as police and landlords, and reside in highly segregated neighborhoods.² The taxi drivers are independent contractors who continue to shape their model of “non-traditional” self-organization, whether it is trade unionism, entrepreneurialism, or a blend of these models. The case of poultry workers is a case of already unionized factory workers who developed what is thought to be the first contractual recognition of Muslim holiday observance in a U.S. labor agreement. The Tyson poultry-processing plant workers are represented by the Retail, Wholesale, Department Store Union (RWDSU), an affiliate since 1993 of the United Food and Commercial Workers.

Nashville Taxi Cab Drivers

The case of Nashville taxi cab drivers is a case of self-organization of an occupational association among the predominantly Somali and Ethiopian immigrant owner-operators. As owner-operators and independent contractors, the drivers have been stymied in their efforts to unionize and bargain with the union-resistant, oligopolistic taxi cab industry that is regulated by the municipal government in a city that is polarized in its acceptance of immigrants.

Nashville’s monthly unemployment rate increased steadily from 4.6% to 8.0% between January 2008 and April 2009.³ During the 1990s period of economic growth, coupled with Nashville’s active faith-based refugee resettlement efforts, Nashville became a destination for thousands of immigrants and refugees from Mexico and Central America, sub-Saharan Africa (including Somalis), the Middle East (including Kurds from Northern Iraq), East Asia (including Lao and Vietnamese), and Eastern Europe (including Bosnians). The percentage of Nashvillians who were foreign born increased dramatically from 2.5% to 10.1% between 1990 and 2001, climbed to 10.5% in 2006, and then declined slightly to 10.2% in 2007.⁴ As employment in Nashville became centered in private services, and the manufacturing employment share declined, the percentage of the greater Nashville labor force who were union members hovered around 10% between 1986 and 1996, declined a few percentage points during the late 1990s, and, between 2000 and 2013, declined from about 8% to 5%.⁵

The chief actors in the Nashville taxi industry are seven taxi companies that operate dispatch systems and hire drivers, most of who are owner-operators and are considered to be “independent contractors”; the Transportation Licensing Commission (TLC) which regulates transportation safety and taxi rates, tests and issues driver permits to some 600 licensed taxi cab drivers and determines the number of vehicle permits it issues to the taxi companies; the Nashville Metro Taxi Drivers Alliance (NMTDA), a non-profit organization which represents some 40% of the licensed drivers⁶; and an unknown number of unlicensed (“renegade”) drivers. Somalis are the largest single ethnic group of Nashville drivers and have the greatest presence in advocacy and organizational leadership for Nashville taxi cab drivers.

Regarding pay and expenses, a summer, 2008 survey of 300 Nashville taxi cab drivers conducted by political science professor Sekou Franklin of Middle Tennessee State University indicates that the average annual net income of a driver, many of who are first-generation Somali, Ethiopian, and Kurdish immigrants supporting five-person families, was under \$12,000, which is twice below the federal five-person family poverty guideline.⁷ Drivers grossed about \$106 a day, worked seven 14-hour days a week, paid the taxi cab company a weekly “lick” of up to \$175 for dispatch services and a license to drive their cab, and covered expenses for gas, permits, insurance, and maintenance.⁸ Approximately 85% of the drivers own their vehicles.

A series of actions by Nashville taxi cab drivers have led to the formation of the NMTDA, an independent occupational association that attempts to influence the taxi cab companies and the TLC, and have met with resistance and non-responsiveness from the cab companies and the TLC. Efforts to unionize on a craft or occupational basis and to realize collective bargaining in the Nashville taxi industry have been catalyzed by a loose labor-community coalition and stymied by an unresolved determination of the drivers’ independent contractor status, cab company resistance, and TLC non-responsiveness.⁹

The establishment of the independent NMTDA occurred at a meeting of taxi drivers, labor officials, and immigrant rights advocates on August 5, 2007 in Nashville. The chief organizational rationale for forming the NMTDA was that Nashville lacked an arbitration procedure for resolving disputes between the taxi cab companies and the drivers and a procedure for drivers to complain to the TLC about fee increases; and that drivers were excluded from important decisions made jointly by the TLC and the taxi cab companies. In attendance at the meeting were four taxi drivers; Lewis Beck, president of the Middle Tennessee Central Labor Council that was collaborating with the United Automobile Workers in a taxi cab drivers campaign; Steelworkers legal counsel Lynn Agee; and Ahmed Dahir of the Tennessee Immigrant and Refugee Rights Coalition. The NMTDA was established as an independent non-profit organization with a temporary board and has remained unaffiliated with the labor movement. The NMTDA opened its office in Nashville on April 15, 2008 and elected a board to a two-year term.¹⁰

The chief employment issues motivating the establishment of the NMTDA were:

- Decrease the expensive weekly “lick” and fee for auto insurance paid to the taxi cab companies (the auto insurance lacks injury protection for the driver)
- Address police racial profiling of drivers
- Support the living wage campaign
- Improve the work environment at the airport and other taxi stations
- Prevent unauthorized drivers from competing with licensed drivers¹¹

On May 27, 2008, fearing a cab-company-supported proposed taxi meter rate increase would lead to an increase in the weekly fee the taxi cab companies charged the drivers, NMTDA and Middle Tennessee Jobs with Justice spoke in opposition to the rate increase at the TLC public hearing. Some eighty Nashville-area drivers at the public hearing applauded the TLC’s 3-0 vote not to increase the meter rates.¹²

On June 6, 2008, the Nashville Movement, a grassroots coalition of labor, homeless, and immigrant advocates whose name is inspired by the name of the 1960s-era Nashville civil rights movement,¹³ staged a 300-person march and protest in front of the Nashville downtown courthouse and Mayor’s office to improve the employment conditions of low-wage workers, including and especially Nashville taxi cab drivers. Among the demonstration organizers were the Tennessee Immigrant and Refugee Rights Coalition (TIRRC) and Middle Tennessee Jobs with Justice.¹⁴ The majority of the demonstration participants were African immigrants, many of who carried signs with the slogan “Workers Rights Are Human Rights,” and representatives of the Steelworkers, Tennessee AFL-CIO, and the SEIU attended the demonstration in front of the courthouse.¹⁵ At the courthouse rally, 21-year old Abdelrhman Hussein, an MNTDA vice president and driver, accepted a Human Rights Award from the Tennessee NAACP on behalf of the MNTDA. The crowd cheered with the announcements of the appointment of Nashville lawyer and TIRRC board member Mary Griffin to the TLC and a commitment from Brady Banks, director of the Mayor’s Office of Neighborhoods, to listen to driver concerns.¹⁶

On July 28, 2008, approximately 120 Allied Cab drivers struck Nashville's largest taxi cab company. Earlier that week, the NMTDA had taken preliminary steps to unionize by signing a petition to the National Labor Relations Board. It was estimated that roughly three-fourths of Nashville's taxi drivers had joined the NMTDA at the time of the strike.¹⁷ The chief strike issues were the high weekly fee the drivers paid Allied and the rising expenses (e.g. gas) incurred by the drivers, and the company had been unresponsive to previous efforts to address these issues.¹⁸ Together, the Allied drivers drove to local company headquarters, gathered in a cardboard box their Blackberry mobile devices which they use for communicating with the dispatcher, and handed in the box to the company, chanting "We want justice!"¹⁹ The company responded by removing the decals and meters from the cars of the "most prominent leaders of the drivers' labor movement," and contacting Metro police to force the drivers to remove their cars.²⁰ According to an airport spokesperson, the strike did not disrupt airport taxi service.²¹

Presently, the NMTDA has not become a labor union and little has changed in the relationship among the drivers, the taxi cab companies, and the TLC. The Nashville-based Tennessee African Chamber of Commerce (TACC) was established in April, 2009. According to the founding TACC president and CEO 39-year old Henshaw "Henny" Mbosowo, referring to the more than 100 Nashville African immigrant business owners from some 54 nations, "We own businesses, we are providing and creating jobs, but some of us exist right here in obscurity."²² TACC intends to increase opportunities for minority and women-owned businesses and provide Nashville African business owners with a "long missing voice" in state and local government, including an examination of the rules governing the independent contractor and licensing arrangements among taxi cab drivers, taxi cab companies, and Metro Nashville government.²³

The recent organization of African businesses in Nashville indicates that entrepreneurialism has accompanied and may rival trade unionism as a means for improving immigrant livelihoods in Nashville.²⁴ In August, 2012, Volunteer Taxi, Nashville's first driver-owned cab company that was started by a predominantly Ethiopian group of 60 drivers in order to attain health insurance benefits and improved employment conditions, was approved for operation by the TLC. Tenn-Cab, the Somali driver-owned cab company, was authorized to operate in Nashville in 2013.²⁵

Poultry Workers in Shelbyville, Tennessee

The case of Islamic-holiday collective bargaining in Republican rural Middle Tennessee is a case of the industrial-union role in promoting local labor solidarity among its multi-ethnic and religiously diverse factory

workforce. The union pursued labor solidarity by accommodating to the immigrant Muslim workers' religious practices through the designation of Id al-Fitr as one of eight paid holidays in the contract. The accommodation was subsequently dismantled in response to the vehement, local and national, nativist rejection of immigrant cultural practices by the community, compelling the company and the union to renegotiate and restore the previous, conventional schedule of paid holidays. Nonetheless, the bargaining parties agreed to inscribe Id al-Fitr in the contract as an optional paid personal holiday, making this the first contractual recognition of a Muslim holiday in a U.S. labor agreement.

The county seat of Bedford County Tennessee, Shelbyville is some 55 miles south of Nashville and 35 miles north of Alabama. Throughout the 1990s and 2000s, the Bedford County industry mix remained stable with some 40% employed in manufacturing and construction and approximately 25% in retail, education and social and health services.²⁶ The percentage of county residents who were African American was roughly 10% throughout this period.²⁷ After the 1991-92 recession, the Bedford County annual unemployment rate declined from 8.5% in 1991 to 4.7 in 2000, and climbed to 6.6% in 2008. The monthly Bedford County unemployment rate grew steadily from 3.8% in April, 2007 to 11.2% in March, 2009.²⁸

This case of Islamic-holiday collective bargaining occurs in the context of deteriorating macro-economic conditions and a growing number of Muslim Somali refugees in the United States, the U.S. food-processing industry, and Bedford County, Tennessee. The percentage of Bedford County residents who were foreign-born increased from 1.1% in 1990 to 9.0% in 2005-07 with the arrival of Latino workers beginning in the 1990s and Somali refugees in the 2000s.²⁹ During this period, the percentage of county residents who were Latino increased from 1% in 1990 to about 12% in 2007.³⁰

Somalis were mainly recruited to Bedford County with the assistance of Nashville refugee resettlement agencies by Tyson Foods as workers in the Tyson poultry-processing factory.³¹ Prior to the arrival of Somalis, and after 1972 when Tyson acquired the plant, Tyson hired in succession white, African American, and Hispanic workers.³²

Immigrant-native tensions in Bedford County have arisen with increasing immigration and the deterioration of local macro-economic conditions. Somalis have established a mosque in Shelbyville and reside in an enclave in the Davis Estates section of Shelbyville.³³ The local newspaper carried articles about local native perceptions and concerns about illegal immigration,³⁴ nativist resistance to the provision of social services to immigrants,³⁵ immigrant criminal behavior,³⁶ and immigrant-native job competition.³⁷ The *Wall Street Journal* recently reported immigrant-native tensions on the local job queues in Bedford County.³⁸

At the same time, a civil society has emerged to promote positive group relations in Bedford County.³⁹ The Nashville-based Tennessee Immigrant and Refugee Rights Coalition,⁴⁰ the Nashville-based Somali Community Center,⁴¹ El Centro Latino of Shelbyville and Bedford County,⁴² and the *Shelbyville Times-Gazette*⁴³ have continuously conducted public education programs in Bedford County for promoting positive immigrant-native relations, and among Hispanics and Somalis,⁴⁴ and educating the local native population, politicians, and law enforcement officials about the cultural traditions of Latinos and Somalis. Tyson has helped to resettle Somali refugees in Shelbyville, establish Muslim prayer rooms at the workplace, and to educate the local community about Somali culture.⁴⁵

The RWDSU local union is serviced by the RWDSU Mid-South Council in Montgomery, Alabama. RWDSU originally organized the plant in the mid-1960s. Of the 1,200 Shelbyville Tyson workers, 250 are Somali and 1,000 workers are union members.⁴⁶ No labor-community coalition has emerged in Bedford County among the Nashville-based and locally based immigrant advocates and the RWDSU. In fact, a Nashville Somali leader recently informed me that he was unaware of the union at the Tyson plant.

In October 2007, the union and management at the Tyson poultry-processing plant negotiated a new contract provision that substituted the Muslim holiday of Id al-Fitr for Labor Day as one of the eight paid holidays. This historic agreement, according to the RWDSU, “was the first union contract in the U.S. to recognize the holiday.”⁴⁷ The union-initiated holiday provision was an accommodation for the Somali workers. As 54-year old Abdillahi Jama, a Somali refugee employed in the plant, put it, referring to the prayer rooms and the holiday provision, “This new contract is good because it allows me to work on the second shift and still pray when I need to . . . It's very important to us, and the Eid is one of our most sacred holidays. It shows how the union helps us.”⁴⁸ The 12-person union negotiating committee, which included three Somali members, unanimously proposed the new holiday provision and 80% to 90% of the union members supported the new contract provision.⁴⁹ According to local union negotiating committee member and shop steward Ishak Rable, a Somali immigrant, “This was something we all did together.”⁵⁰ Concurring with Rable, fellow Tyson worker Gilbert Robinson, an African American and non-Muslim, stated “Christians and Muslims working together as brothers made this possible.”⁵¹ RWDSU’s inclusive approach to industrial unionism, according to RWDSU international president Stuart Appelbaum who also is president of the Jewish Labor Committee, is based in the belief that “We in the labor movement have always understood that unions are only strong when we work to protect the dignity of all faiths, and that includes Muslims.”⁵²

As Labor Day approached in August, 2008, local newspaper coverage of the new Shelbyville Tyson holiday provision touched off a local and national, nativist outcry against the union and the company. The local community reaction received national media attention that would compel union and

company to renegotiate the historic holiday provision.⁵³ Local politicians of both political parties issued statements in the local newspaper that criticized the holiday provision in the union contract for being un-American. In response to constituent complaints about the controversial holiday provision and concerned with protecting the image of the county, Bedford County Mayor Eugene Ray recommended that the company and union renegotiate the holiday provision.

In an editorial, the *Shelbyville Times-Gazette* opined that the Tyson plant should develop a flexible paid holiday schedule that affords workers choice in their observance of paid holidays:

“Much of the ensuing comment has denounced Tyson Foods, with many people calling for a boycott of the company's products. This kneejerk reaction to the announcement is misdirected. A boycott of Tyson would do more harm than good. . . A successful boycott would affect the lives of thousands locally. It would affect the local workers, chicken producers, truck drivers, and all their families. The economic impact would stretch throughout all sectors of our local economy, and would, either directly or indirectly, negatively effect everyone living in this county at some level. We can't afford to lose another industry. We feel the anger is misdirected, because Tyson simply agreed to a contract presented by the RWDSU, which made the Muslim holiday a priority in its contract negotiations. Tyson gave the workers what it thought they wanted, as presented by union representation. The RWDSU . . . should be commended for bringing the Muslim's [sic] concerns to the negotiating table. Allowing Muslims a paid holiday on their holy day is one thing, but to take Labor Day away from everyone else in order to do so was not such a good idea, especially since it seems the Muslims are the minority in this case . . . It also is ironic that the union chose to surrender Labor Day, a holiday for which American unions fought so hard in the past. Whatever happened to the idea of honoring the American worker? The union claims it is merely setting a trend and that other unions and factories will follow suit. With this line of thinking, will the RWDSU next negotiate an exchange of Memorial Day, another non-religious American holiday, for Cinco de Mayo, a Mexican day of celebration? How safe is Thanksgiving in this brave new world? Perhaps the union would have better served its entire membership by proposing that all workers receive eight flexible paid days off per year, which could be taken at the individual worker's discretion. A combination of fixed and flexible holidays is another solution that makes sense. For instance, everyone takes off on Christmas, Independence Day, Thanksgiving, Memorial Day and Labor Day, and then can choose three additional paid days off at their discretion. With either of these solutions, traditional workers could take a paid day off on Labor Day, Muslims could have Eid al-Fitr, and Mexicans could

have Cinco de Mayo. Production could continue on each of these days, and everyone would have a better chance of being satisfied, thus being more productive [sic] while at work.”⁵⁴

Conceding to community pressure, the company asked the union to renegotiate the holiday provision: Labor Day was restored as a guaranteed paid holiday for all workers, and Id al-Fitr was made an optional paid personal holiday.⁵⁵

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Nashville MSA		Nashville-Murfreesboro MSA	
1986	12.3	2005	6.3
1987	10.1	2006	7.7
1988	10.1	2007	5.1
1989	10.0	2008	5.3
1990	9.6	2009	5.1
1991	9.5	2010	4.3
1992	8.9	2011	5.6
1993	9.5	2012	2.9
1994	10.0	2013	4.5
1995	8.0		
1996	9.8		
1997	6.3		
1998	5.3		
1999	5.8		
2000	8.1		
2001	6.4		
2002	6.2		
2003	5.0		
2004	4.9		

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