

# 36<sup>th</sup> UAW CIVIL & HUMAN RIGHTS CONFERENCE NEWSLETTER



August 28 - September 2, 2022



## Welcome letter from Civil & Human Rights Department

Welcome to the 36th UAW Civil and Human Rights Conference, **In Solidarity, We Move Forward on the Path to Justice!** This theme rings true today more than ever. With the many battles that we are facing, we must stand together to confront the assault on working people. It is through our Solidarity that we can move forward to justice and equality. When We Fight, We Win!!

This is our first in-person Civil and Human Rights Conference since this beginning of the horrible COVID pandemic. While we have lost many of our loved ones, we are still resolute in our

commitment to Justice. As we gather this week, we are excited to learn and grow with our UAW Family. To this end, we have workshops that are designed to educate on various topics that you may face at your worksite. While we are indeed here to learn, you will have an opportunity to fellowship with your UAW family!

This 2022 Civil and Human Rights Conference newsletter is intended to share some important information about resources that are accessible and available from the UAW Civil and Human Rights Department along with information that you can use when you return to your worksite. It is important to keep our pulse on current events and issues that impact us all. Please tell other UAW members what you have learned this week, don't keep it to yourself!

We look forward to working together in our shared commitment to social justice and equality.



SHARE YOUR SELFIE PHOTOS THAT DEPICT YOUR  
WEEK AT BLACK LAKE BY TWEETING THEM TO:

**#UAWCivilRights**

# HOT TOPICS



## Voting Rights

The Voting Rights Act of 1965 is a landmark piece of legislation in the United States that prohibits racial discrimination in voting. It was signed into law by President Lyndon B. Johnson during the height of the civil rights movement on August 6, 1965, and Congress later amended the Act five times to expand its protections. Designed to enforce the voting rights guaranteed by the Fourteenth and Fifteenth Amendments to the United States Constitution, the Act sought to secure the right to vote for racial minorities throughout the country, especially in the South. According to the U.S. Department of Justice, the Act is considered to be the most effective piece of federal civil rights legislation ever enacted in the country. It is also “one of the most far-reaching pieces of civil rights legislation in U.S. history”.

## Voting Rights Under Attack

The right to vote is under attack particularly because of two Supreme Court decisions. In these two decisions, spanning just eight years, a conservative majority of Supreme Court justices upended the law’s core enforcement powers.

### Section 5 of the Voting Rights Act:

In 2013, the Supreme Court held in *Shelby County v. Holder* that the formula for determining which jurisdictions were subject to preclearance was unconstitutional because it was outdated, eviscerating a key provision of the VRA. This decision ushered in a wave of efforts in states previously covered under Section 5 to restrict voting rights.

### Section 2 of the Voting Rights Act:

In July 2021, in *Brnovich v. Democratic National Committee*, the Court ruled that two Arizona voting

laws did not burden voters of color enough to constitute a violation of the Voting Rights Act. In so doing, the Court largely ignored the long-standing considerations that courts have relied on to determine whether discrimination exists under Section 2, which allows voters to sue to block discriminatory voting laws. Instead, the Court created new “guideposts” to hear Section 2 claims, such as whether a state provides more opportunities to vote now than the state did when Section 2 was last amended in 1982. Effectively making it more difficult to challenge discriminatory voting laws in court.

### The Results Are In:

State lawmakers have introduced and passed an unprecedented wave of restrictive voting legislation since the 2020 election:



# HOT TOPICS

Continued....



***“There’s a direct relationship between the ballot box and the bread box, and what the union fights for and wins at the bargaining table can be taken away in the legislative halls.”***

**– Walter Reuther**



- Since the beginning of 2021, 49 states introduced bills and 14 enacted laws making it harder to vote by mail.
- 33 states introduced bills and 9 enacted laws restricting voters from receiving help when casting their ballot or registering to vote.
- 38 states introduced bills and 7 enacted laws making voter identification laws stricter.
- 10 states introduced bills and 2 enacted laws imposing restrictions on Election Day registration.
- In 2021, at least 1 state enacted a law allowing more partisan control of election administration. Since the beginning of 2022, 3 more states have introduced similar bills.

## **We Have to Fight Back**

The right to vote is essential to a well-functioning democracy, is the most enshrined right in the Constitution and is protected by various Amendments.

As of January 14, legislators in at least 32 states have introduced, pre-filed, or carried over 399 bills that expand voting access, compared to

286 such bills in 30 states on January 14, 2021. Such as:

- Access to mail voting
- Voting Rights Restoration
- Easier Voting Registration
- Expanding access for voters with disabilities

Congressional Democrats proposed a new voting rights bill:

- The John Lewis Voting Rights Advancement Act
- The Freedom to Vote Act

Civil rights groups and activists are fighting voting restrictions nationwide. Democracy is under attack in states across the nation, and we must act with great urgency to protect the American people’s most fundamental and sacred right, the right to vote. It is essential to continue pushing for national legislation to restore the Voting Rights Act and create uniform standards for conducting elections.

## **Our Vote Matters**

President Biden nominated Ketanji

Brown-Jackson and she was confirmed to become the first African American woman to serve as a Judge on the United States Supreme Court. This is a great example of why it is important for all citizens to exercise our right to vote. Newly confirmed Justice Ketanji Brown Jackson knows firsthand the challenges and hopes of working families across America as well as how the justice system impacts their lives. Judge Jackson played a key role in the U.S. Sentencing Commission on criminal justice reform and showed a strong understanding of the implications of the law on everyday lives through her work as a public defender. When we do not utilize our voice by voting we are suppressing **GREAT** moments like this from happening.

Electing officials that support our interests in both the White House and Congress helps to make these nominations a reality. We must elect individuals who believe in workers’ rights, labor rights and civil rights.

**WE HAVE A  
RESPONSIBILITY TO VOTE!**



# MEMBER HIGHLIGHT: DANIEL DAVILA

**UAW Local 862, Kentucky Truck Plant**



My name is Daniel Davila. I am a husband, a father of 7, and a grandfather of 13. I began my journey as a UAW Local 862 member on June 10, 2000, when I was hired by Ford Motor Company. I began working at Ford's Kentucky Truck Plant also known as KTP. Shortly after starting employment at KTP, I was transferred to Ford's Louisville Assembly Plant also known as LAP.

I was approached by my coworkers to join the Local Union 862 Civil and Human Rights Committee in 2001 and have been an active member of the committee since. I chose to be a part of this committee because I have experienced racism and discrimination personally. Being with an African American woman for the last years 25 years, married to her for 19 years and being of the Hispanic decent myself, people have treated us unfairly on several occasions. Being a part of the Local Union Civil and Humans Rights Committee gives me an opportunity to build a stronger membership in our workplace.

I also serve as a Diversity Trainer where I am responsible for training all hourly and salary employees at the worksite on Diversity in the workplace. I was then appointed to serve as the Chairperson of the Civil and Human Rights Committee at LAP, which was such an honor in my

eyes. I felt the need to continue to be active and do more for my union, so I ran for an elected position within my local. This resulted in being elected as a District committeeperson by the membership at LAP. I was then elected to the UAW Region 3 Regional Advisory Council on Civil and Human Rights also known as RACOCCHR. Here, I served one term as Vice President before being elected to hold the position of President of UAW Region 3 RACOCCHR. I was also serving on the National Advisory Council on Civil and Human Rights also known as NACOCCHR.

In July of 2009, I was transferred from LAP to KTP and shortly thereafter I was named Chairman



*Daniel Davila, Local 862*

of the Civil and Human Rights Committee. I was also elected by the members of KTP as a District Committeeperson. In 2010, Kentucky UAW members were placed in UAW Region 8 and I was elected as the Member-At-Large on RACOCCHR and a delegate to NACOCCHR. I have served as Vice President of NACOCCHR, and I am currently serving as the President of NACOCCHR.

I have had the opportunity to assist the Civil and Human Rights Department by serving as a trainer along with the department staff at the Civil and Human Rights Conference at Black Lake. I have also had the honor to serve our membership within the Region by training members on Civil and Human Rights Policies & Procedures and Civil and Human Rights Effective Investigation Techniques. I have served as a Bargaining Representative at KTP for the past 7 years and I continue to fight for OUR members locally and throughout OUR Region.

**"Injustice anywhere is a threat to justice everywhere"**  
**-Martin Luther King Jr.**

In Solidarity,

Your Brother  
Daniel "Dan" Davila



## The Effective Steps to an Investigation

### 1. Determine whether an Investigation is necessary

Even if the member complains but then asks the Union representative not to take action, it's usually better to investigate to avoid liability than have to explain why an investigation wasn't conducted. The decision to investigate can depend on the seriousness of the allegations, the number of workers involved, and whether the full extent of the wrongdoing is known.

### 2. Determine whether interim relief is necessary

Taking action before the investigation is complete may be necessary for health or safety reasons, or in situations that are very disruptive or emotionally charged.

### 3. Investigation Plan

When initially receiving the discrimination case, it is important to confirm that the complaint is valid and is covered under the anti-discrimination policy. This initial review should

confirm that the complaint is filed timely under the collective bargaining agreement. The scope of the investigation should be limited to the allegations of the complaint.

### 4. Determine time and place to conduct investigation

The investigation should start promptly after the alleged problem is discovered or reported. Interviews should be held in a private area where witnesses feel comfortable about disclosing information. Obtaining as much relevant information as possible will help the investigator to get a complete picture of the facts.

### 5. Prepare Interview Questions

It's a good idea to prepare talking points and interview questions in advance so that there's thorough coverage of the issues. The prepared materials can also serve as good documentary evidence of the investigation.

### 6. Interviewing /Statement

During the investigation, the investigator will draft a statement, using the Formal Statement Form, in the first person, for the review and approval of the complainant, the respondent and each witness interviewed. The statement should be presented to the witness for signature at the conclusion of the interview or as soon as practical.

### 7. Burden of Proof

The investigator shall determine if there is unlawful discrimination based upon a preponderance of the evidence, meaning whether it is more likely than not that unlawful discrimination occurred. The investigation should determine what the elements of proof are.

### 8. Investigation Report

The investigator will create a written report describing the factual findings of the investigation, the basis for those findings, and a determination as to whether unlawful discrimination or retaliation occurred.

### Those Important 5 W's

A simple rule to follow is that adopted by the experienced newspaper reporter when he makes sure his story is complete:

**WHO** is involved? The member, the supervisor, the witnesses and their badge numbers, etc. and anyone else who can contribute to your knowledge about the case.

**WHAT** really happened? What was the sequence of events? Was there a background of action, that went before? What was said?

**WHEN** did it happen? Time, date, etc. Any special significant holidays or such that tie in?

**WHERE** did it take place? The location should be identified if possible or if important. Building, department, area.

**WHY** is this a grievance? Or why can it be a grievance? The clause in the contract or the law violated or the harm done to the member should be spelled out so you can ask for the remedy: What does it take to resolve the issue?

And that's not quite all.  
**THE 6TH "W"**

**WHOA** Double check to make sure you have all the facts and have them written down.

### 9. Keep your parties advise

During the investigation, the investigator should periodically advise the parties (complainant and respondent) as to the progress and timing of the investigation.

### 10. Follow Up

It's a good idea to follow up with the complainant and respondent to let them know that the Union took the complaint seriously and conducted a thorough investigation. Do not disclose any corrective action taken against the wrongdoer that is confidential information.

### 11. Confidentiality

During the investigation, all complaints and investigations shall be handled, to the greatest extent possible, in a manner that will protect the privacy interests of those involved and avoid unnecessary disruption in the workplace. To the extent practical and appropriate under the circumstances, confidentiality shall be maintained throughout the investigatory process.

The image shows a stack of three UAW Civil and Human Rights forms. The top form is the 'Internal Complaint Form' with fields for Name of Complainant, Region, Local, Case #, Home Phone Number, Work Phone Number, and Home Address. The middle form is the 'Internal Investigation Report Form' with fields for Grievance #, Date Complaint Filed, Name of Complainant, Badge #, Shift, and a section for 'Discrimination Based on' with checkboxes for Race, Color, Religion, National Origin, Genetic Information, Disability, Age, Sex, and Other. The bottom form is the 'Investigation Report Form' with fields for Current Date, Region, Local, Case #, Grievance #, Date Complaint Filed, Name of Complainant, Badge #, Shift, and a section for 'EXPLANATION OF INVESTIGATIVE FINDINGS OF FACTS' with checkboxes for 'unable to conclude', 'found there is probable cause', and 'other'. It also includes a section for 'EXPLANATION OF INVESTIGATIVE FINDINGS OF FACTS' and a signature line for the UAW Civil and Human Rights Department Chair.

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Razem	600,00	138,00	738,00

+ dołącz do projektu

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# TRAINING & EVENTS



## Civil and Human Rights Trainings

The UAW Civil and Human Rights Department offers trainings to Local Civil and Human Rights Committees and UAW members.

### Basic Policy and Procedures

This training will provide information and techniques on anti-harassment policies, rights in the workplace, how to set up and build a strong Local Union Civil and Human Rights Committee, identify the roles and responsibilities of the committee, and learn how to work together with Institutions and Organization to build community Coalitions.

### Advanced Policy and Procedure

This training will provide a better understanding of what is required when doing an investigation. Participants will be expected to utilize forms from the Guidebook and write a report with recommendations after the investigation. This class goes beyond the initial policy and procedure class. The Prerequisite for this class is the completion of Basic Policy and Procedure.



## Investigation

This training will focus solely on the investigation process and the tools needed to complete the investigation. Participants will receive a better understanding of



what is an Investigation and when it is necessary. This training will cover the importance of following the Local union protocol when conducting investigations. This training equips participants with knowledge to conduct investigations when they arise.

## Workplace Discrimination and Harassment

(Available in Person and Online)

This training provides a more in depth look at discrimination and harassment and how to accurately identify these behaviors. Participants will learn how to recognize what is unlawful harassment. Participants will also get a better understanding of what behaviors are not harassment and discrimination. The training will also cover who is liable for this behavior in the workplace.

## The Role of Civil and Human Rights Committee

(Online)

This online training gives participants some basic knowledge about the UAW Civil and Human Rights Department and the role of the department. The training also covers the role of the local union civil and human rights committee and tools for a successful Local union Civil and Human Rights Committee.

Other trainings may be available upon request.

*To request training from the Civil and Human Rights Department follow local protocols and contact your regional representative.*

## Civil and Human Rights Department

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