



Mercedes Benz Takes the Low Road

How Mercedes Is Breaking the Law &
Violating Its Own Principles in the U.S.
And How to Get the Company Back on Track





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Table of Contents

Executive Summary 3

Section 1. Introduction 6

Purpose of this Report 6

Context 6

Why It Matters 7

Section 2. Mercedes-Benz’s Public Commitments 8

Corporate Social Responsibility at Mercedes 8

Co-determination and Cooperation in Germany 9

Global Human Rights Enforcement 9

Section 3. Mercedes-Benz’s Conduct in Alabama 11

Campaign Timeline 12

MBUSI Violations Being Prosecuted by the NLRB 13

Worker Stories Behind the NLRB Cases 14

More Charges Pending Against Mercedes 17

MBUSI’s Anti-Union Tactics 19

Words vs. Actions at Mercedes-Benz—Chart 21

Section 4. Racial Dynamics of the Alabama Anti-Union Campaign 22

Shifting Demographics of the MBUSI Workforce 22

Racial Undercurrents in MBUSI’s Anti-Union Strategy 23

Section 5. Mercedes-Benz’s Conduct in New York 26

Undermining Negotiations with a “Union Avoidance” Law Firm 27

Firing and Forcing Out Union Supporters 28

A Case Study of Mercedes’ Failed Compliance Management System 28

Next Steps in New York City 32

Section 6. Broader Implications 33

Impact on Global Labor Rights 33

Message Sent to Other Multinationals & U.S. Employers 34

Stakes for the Labor Movement in the South 34

Section 7. Conclusion & Recommendations 36

Executive Summary

Overview

A U.S. federal agency is prosecuting Mercedes-Benz for violating workers' rights at its plant in Alabama. Mercedes executives, including a member of the Board of Management in Germany, have engaged in an anti-union campaign that breaks U.S. law and betrays the company's own principles supporting the right of workers to form unions.

Mercedes is also aggressively opposing workers trying to negotiate a first contract at the company-owned dealership in New York City. Mercedes must live up to its principles and allow its American workers to freely form unions and negotiate fair contracts.

Mercedes-Benz's Principled Reputation

Mercedes-Benz Group has cultivated a reputation as one of the world's most ethical corporations. In its Principles of Social Responsibility and Human Rights, Mercedes highlights its strong labor rights standards, which "are binding around the world for all managers and employees."¹

"We acknowledge the right of our employees to form employees' representative bodies," the Mercedes Principles say. Mercedes pledges that "[i]n the event of organization campaigns, the company and its executives shall remain neutral."²

Mercedes clearly disregarded those Principles once workers at its plant in Alabama began organizing to join the UAW in 2024.

Mercedes Betrays Its Principles in America

Despite its Principles, Mercedes has run an aggressive anti-union campaign in Alabama. Executives at the highest level of the Mercedes-Benz Group have participated in the campaign, including Board of Management member Jörg Burzer. He recorded an anti-union video just two weeks before the Alabama workers' 2024 union election, and the company continues to target, intimidate, and fire union supporters today.³

The U.S. National Labor Relations Board (NLRB) has found merit in multiple charges that Mercedes violated American labor law during its 2024 anti-union campaign in Alabama.⁴

Here are the Mercedes violations the NLRB is prosecuting:

- **Retaliation Against a Worker for Union Activity.** Mercedes illegally disciplined an employee for being involved in union organizing. This is a violation of workers' rights under the law.
- **Blocking Protected Activities in the Workplace.** Mercedes broke the law by stopping employees from talking about union matters in mixed-use areas of the plant, and by ordering them to leave those areas when they tried to do so. In a separate incident, a supervisor illegally confronted and questioned employees about their union-related actions.
- **Threats of Plant Closure and Benefit Loss.** Mercedes violated the law when it threatened workers that the plant might shut down or they could lose existing benefits if they voted to join the union.
- **Telling Workers Unionizing is Pointless.** Mercedes also broke the law by telling employees that choosing a union would be useless or wouldn't change anything.

In addition to the actions the NLRB is prosecuting, Mercedes engaged in nominally legal activity that also violates its Principles. During the 2024 anti-union campaign, Mercedes:

- **Hired Road Warrior Productions**, a union-busting consulting firm that advertises its expertise at getting workers "to vote non-union"; MBUSI also contracted with at least four other anti-union firms—a clear conflict with Mercedes' pledge to remain neutral.⁵
- **Used racially divisive tactics**, bringing a black minister on the plant floor to persuade black workers to oppose the union; Mercedes also broadcast a video by the minister in which he said "people who look like me" should appreciate their jobs and not back the union; this is clearly at odds with Mercedes' stated opposition to "any form of discrimination or unjustified unequal treatment."⁶

Since the union election in May 2024, Mercedes managers have continued to intimidate and even fire union supporters in Alabama.

In February 2025, nine months after the election, Mercedes used dubious charges to fire Jeremy Kimbrell, one of the highest profile union supporters plant.⁷

That same month, another union supporter was fired after the company claimed he had incorrectly filled out paperwork for medical leave.⁸

Alabama isn't the only place in the U.S. where Mercedes-Benz is betraying its Principles.

At the company-owned flagship dealership in New York City, Mercedes has refused to settle a first contract with technicians who voted to join the UAW over a year ago. In New York, Mercedes-Benz has:

- **Hired an anti-union law firm to lead negotiations.** Fox Rothschild, the law firm retained by Mercedes-Benz in New York, touts its "union avoidance" practice. They dragged out negotiations for over a year and now refuse to come to the bargaining table.⁹
- **Harassed and fired union supporters.** A key union supporter was threatened by the dealership's top manager immediately after workers voted for the UAW; after many months of harassment, that supporter was fired in September 2025. Roughly 10 union supporters have been fired or pressured to leave the dealership since workers won their election in May 2024.

Being fired in the United States is a devastating blow. Because benefits are tied to employment, fired Mercedes workers don't just lose their income, they lose health care coverage for themselves and their families.

Restoring Mercedes Workers' Rights in the U.S., Defending Mercedes Workers Everywhere

Mercedes-Benz Group and its 175,000 employees are at a tipping point.

Either the company can abide by its Principles—which set strong labor standards for Mercedes workers around the world—or it can abandon those Principles, as it has in America, and force all Mercedes workers into a vicious race to the bottom.

Fortunately, the Mercedes Principles are not a gift bestowed by the company's executives. They are agreed upon by worker representatives from Mercedes' German-based General Works Council, its World Employee Committee and IndustriALL Global Union.¹⁰ Mercedes' worker rep-

representatives have the power to help enforce the company's Principles and stop executives from pursuing a low-road labor strategy.

Here's how to get Mercedes-Benz back on track:

- ***Enforce the Company's Principles.*** Mercedes must live up to its Principles in Alabama and New York, so they aren't undermined in Stuttgart or anywhere else. Going forward, the company must honor its commitment to remain neutral during organizing campaigns, bargain in good faith, and not use persuaders or anti-union consultants.
- ***Fix the Mercedes-Benz Compliance Management System.*** The Compliance Management System (CMS) at Mercedes-Benz is supposed to protect workers from corporate misconduct. But the intimidation and firing of union supporters in Alabama and New York shows that the CMS is failing Mercedes workers. The Mercedes-Benz Group Supervisory Board and Board of Management both have leverage to fix it.¹¹
- ***Comply with U.S. Labor Law and Respect the Right to Organize.*** Now that the NLRB is prosecuting Mercedes for multiple labor law violations, the company needs to settle those charges by respecting the right of Alabama workers to organize without facing coercion or retaliation.
- ***Subject Mercedes to Robust Congressional Oversight.*** More and more politicians from both U.S. parties say they care about the working class. This is their chance to prove it. Hold congressional hearings that shine a light on Mercedes' wrongdoing and insist that American workers receive the same strong protections that Mercedes workers in Germany have won. ■

SECTION 1

Introduction

Purpose of this Report

This report focuses primarily on misconduct by Mercedes-Benz U.S. International (MBUSI) at its assembly and battery plants near Tuscaloosa, Alabama. It also examines troubling behavior by Mercedes-Benz at its company-owned dealership in New York City.

Workers at MBUSI in Alabama have been organizing to join the United Auto Workers (UAW) and had a union election in May 2024. MBUSI has run an aggressive anti-union campaign. Before the 2024 election in Alabama, the company forced workers to attend round after round of anti-union meetings, and Mercedes has continued to intimidate, threaten, and even fire union supporters.

The National Labor Relations Board (NLRB) – the U.S. agency that protects workers’ rights – has determined that MBUSI’s conduct in Alabama violated federal labor law and is prosecuting the company.¹²

The NLRB’s findings confirm that MBUSI tried to stop workers from exercising their legal right to organize and form a union. Moreover, these aren’t just violations of U.S. federal labor law – they are a direct betrayal of Mercedes-Benz’s own publicly stated principles.

According to Mercedes, its Principles of Social Responsibility and Human Rights are meant to uphold strong protections for workers, including freedom of association and respect for union representation. These Principles were developed in cooperation with Mercedes-Benz Group’s worker representatives and signed by Mercedes-Benz leadership.

MBUSI has repeatedly violated the Mercedes Principles, which say, “In the event of organization campaigns, the company and its executives shall remain neutral.”¹³ Mercedes must enforce its Principles and allow MBUSI workers to vote in a free and fair union election.

Context

The organizing at MBUSI is part of a growing labor movement in the U.S. South, and autoworkers have been a key driver of that growth.

In the fall of 2023, workers at non-union auto plants across the South took notice as 150,000 UAW members at Ford, General Motors and Stellantis launched the Stand Up Strike. After decades of decline, the revitalized UAW demanded and won record contracts to match the record profits that automakers in America, union and non-union, had been making for years.

As UAW members ratified their new contracts in November 2023, non-union autoworkers were already rushing to join the UAW. By late January, more than 10,000 workers in non-union plants — the vast majority of them in the South — had signed union cards.¹⁴

A surge of Southern workers joining unions threatens to upend the economic order of the South, which was built on low wages, racial division, and fierce opposition to unions.¹⁵ Politicians like Alabama Gov. Kay Ivey and corporations like MBUSI are fighting the workers tooth and nail. But where workers haven't had to run an anti-union gauntlet, wins have come quickly:

- **Victory at Volkswagen.** In Chattanooga, Tennessee, 4,000 VW workers — backed by the European and World Works Council at VW — voted in April 2024 to join the UAW.¹⁶
- **Ultium Goes Union.** In Spring Hill, Tennessee, 1,000 workers unionized at General Motors' joint-venture battery plant after the company agreed to remain neutral.¹⁷

Why It Matters

For decades, the rules of the global economy have been rigged against workers. Corporate-funded political attacks and Wall Street-friendly trade deals have ripped up workers' rights, devastated entire communities through plant closures, and pushed down pay.

Mercedes workers in Alabama and New York are pushing back. They're fighting for every workers' due: a fair share of the profits they make.

In Germany, the Co-determination Act helps insulate workers at Mercedes-Benz and other corporations from U.S.-style exploitation. Co-determination gives workers a voice in their companies' critical decisions and empowers them to police bad behavior by executives.

At Mercedes-Benz, the company's Principles don't just apply to German workers, they apply to every Mercedes-Benz Group employee around the world. The NLRB's prosecution of MBUSI exposes clear violations of the company's Principles, and yet there is no sign that Mercedes has disciplined any manager or executive.

If the violations in Alabama and New York aren't corrected, Mercedes executives may be emboldened to join the race to the bottom that has harmed so many autoworkers around the world. Soon, the misconduct in America could be inflicted on workers in Germany as well.

This report shows how Mercedes-Benz went down the wrong road, how to get the company back on track, and how to win justice for all Mercedes workers. ■

SECTION 2

Mercedes-Benz's Public Commitments

The Mercedes-Benz Group prides itself on the company's "culture of integrity."¹⁸ This section of the report catalogs the company's stated commitments to social responsibility and workers' rights.

This section also looks at the enforcement processes – in Germany and around the world – meant to help the company fulfill its public commitments.

Corporate Social Responsibility at Mercedes

Mercedes-Benz seeks to instill a culture of integrity at the company through two core documents:

- ***Our Integrity Code.*** A lengthy ethics manual that "applies to every one of us within the company" and governs everything from economic decision-making to social media usage.¹⁹
- ***Principles of Social Responsibility and Human Rights.*** A supplement to the Integrity Code, it focuses particularly on human rights, including workers' rights. It, too, is "binding around the world for all managers and employees of Mercedes-Benz Group as well as all controlled Group companies."²⁰ (As wholly owned subsidiaries, MBUSI in Alabama and Mercedes-Benz of Manhattan are controlled Group companies.)

It is in the Principles of Social Responsibility and Human Rights that one sees the breadth of Mercedes-Benz's public commitment to workers' rights.

The Mercedes-Benz Principles state:

- "At Mercedes-Benz Group, we acknowledge the right of our employees to form employees' representative bodies, to collective bargaining for the regulation of working conditions and their right to strike, depending on applicable law."²¹
- "Founding, joining or being a member of a workers' union recognized under applicable law shall not be used as a reason for a lack of equal treatment or retaliation."²²
- "In the event of organization campaigns, the company and its executives shall remain neutral."²³

These statements are derived from the International Labor Organization's Declaration on Fundamental Principles and Rights at Work – one of many international standards that Mercedes-Benz has committed itself to uphold.²⁴

The company also touts its role as a founding participant of the United Nations Global Compact, the UN initiative for responsible corporate management.²⁵ In short, Mercedes sees itself as a good global citizen.

Co-determination and Cooperation in Germany

In Germany, Mercedes-Benz's home country, there are laws and institutions – and empowered workers – that help put the lofty language of the company's Principles into practice.

As Mercedes-Benz's 2024 Annual Report notes, German law "stipulates a dual management system" for the company. There is a Board of Management that resembles a U.S. corporate board. But there is also a Supervisory Board that "monitors and advises the Board of Management."²⁶

The Supervisory Board is mandated by Germany's Co-determination Act, which ensures that workers have input into the decisions and direction of German corporations. At Mercedes-Benz, the Supervisory Board has 20 members. The company's German workers elect 10 members and the company's shareholders elect the other half. All of the worker representatives must be independent of Mercedes management, and three of the Supervisory Board slots are filled by representatives of trade unions.

In addition to the Supervisory Board and the trade unions, German law also establishes Works Councils, another representative body where Mercedes-Benz workers can exercise control at the company.

Around the world, Mercedes-Benz workers have a voice at Mercedes through representation on the European and Global Works Council. Additionally, trade unions across the globe representing Mercedes workers belong to a labor body called IndustriALL Global Union. IndustriALL negotiates global agreements with companies like Mercedes that protect workers' rights such as freedom of association.

All of these structures give Mercedes-Benz workers various points of leverage to hold executives accountable. That leverage is evident in the company's core Principles.

As noted in the Principles, they "were adopted jointly by corporate management, Mercedes-Benz Group General Works Council, the World Employee Committee and IndustriALL Global Union as binding requirements within Mercedes-Benz Group."²⁷

Global Human Rights Commitments and Enforcement

Mercedes-Benz has an expansive view of its global human rights commitments. The Principles list seven different international standards that the company adheres to: from the Universal Declaration of Human Rights to the OECD Guidelines for Multinational Enterprises.

Just in its section on labor rights, the Principles establish strong standards in the following eight areas:²⁸

- Abolition of Child Labor
- Abolition of Forced Labor
- Freedom of Association, the Right to Collective Bargaining and the Right to Strike
- Equal Opportunity and Non-Discrimination
- The Right to Health and Safety at Work
- Working Time
- Compensation and Benefits
- Education and Training

DEI may be under assault in the United States, but Mercedes-Benz says, "Diversity and Inclusion are essential parts of our corporate strategy, shaping a conscious approach to differences and individuality." The Principles also include guidance on Human Rights and the Environment, the Protection of Local Communities and Indigenous Peoples, and even the proper Handling of Artificial Intelligence.²⁹

The Mercedes-Benz Principles aren't just for employees in Germany. The company makes clear they are to be followed everywhere Mercedes operates: "Controlled Group companies [which include MBUSI and Mercedes-Benz of Manhattan] and their employees and members of managing bodies are not permitted to adopt regulations that deviate from the content and specifications of these Principles, except as otherwise provided by local law."³⁰

Even where there is conflicting local legislation, the Principles instruct executives "to find a provision that comes closest to the intent of these Principles."³¹ Instead of letting local laws drag it down, Mercedes-Benz orders employees to set a higher standard.

Enforcement Processes

Mercedes-Benz understands that aspirational language alone won't achieve the Principles' goals: "even more important is the implementation of effective processes and measures to actively safeguard human rights."³²

Mercedes-Benz has two essential enforcement processes:

- ***The Human Rights Respect System (HRRS)***, which applies to the Mercedes-Benz Group and all companies in its supply chain.
- ***The Social Compliance Management System (CMS)***, which is part of the HRRS but applies only to controlled Group companies like MBUSI and Mercedes-Benz of Manhattan.

These are complex systems described at length in the Principles and in the company's Sustainability Statement, which is included in the Mercedes-Benz annual report.³³ Mercedes-Benz has a Group Human Rights Officer and a Chief Compliance Officer who work to enforce the HRRS and CMS.³⁴ And if employees witness a violation, the Principles advise them to contact the Group's Business Practices Office, the World Employee Committee, or IndustriALL.³⁵

Clearly, Mercedes-Benz has a comprehensive set of rules and processes to promote ethical behavior at the company. Whether they have been enforced on the ground in Alabama and New York is addressed in Section 3 and Section 5 of this report. ■



SECTION 3

Mercedes-Benz's Conduct in Alabama

This section of the report examines the conduct of Mercedes-Benz U.S. International (MBUSI) during its workers' ongoing organizing campaign. It details the labor law violations MBUSI is being prosecuted for by the U.S. government and shows how MBUSI has violated the company's Integrity Code and Principles.

Section 3 begins with a Campaign Timeline that highlights key moments in the workers' organizing drive and in MBUSI's effort to stop them. Next are stories of union supporters at MBUSI who have been threatened, disciplined and even fired while exercising their legal right to organize a union. The section closes with an analysis of the union-busting tactics MBUSI has used.

Inserted into this section is a pull-out chart contrasting Mercedes-Benz's Words and Actions. It shows how MBUSI's misconduct in Alabama has repeatedly betrayed the company's stated commitments to workers' rights.

Campaign Timeline

Jan. 10, 2024 – MBUSI Workers Launch Public Campaign to Join the UAW. Mercedes workers quickly reach 30% on cards and go public with their organizing drive. Worker pay at MBUSI has stagnated even as the average price of Mercedes vehicles in the U.S. jumped 31% from 2020 to 2023.³⁶

Jan. 25 – MBUSI CEO Sends Anti-Union Letter to All Workers.³⁷ Mercedes-Benz Group policies say the company works with “unions in a spirit of respect and trust” and that “executives shall remain neutral” during organizing campaigns.³⁸ But right after workers launch their campaign, MBUSI CEO Michael Goebel sends employees a letter filled with stock anti-union phrases. Goebel claims unions “are allowed to make unenforceable promises” and “speak for you and position themselves between us.” He notes approvingly that MBUSI workers “have said ‘no’ to unions for 25+ years.”³⁹

Jan. 29 – UAW Files Charges against MBUSI for Illegal Actions. As MBUSI ramps up its anti-union campaign, workers compile evidence of illegal activity and the UAW files charges.⁴⁰

Feb. 5 – Mercedes Tries to Buy Workers Support. With Mercedes pay lagging behind the record raises UAW members just won, MBUSI announces a \$2 an hour increase to its top rate and eliminates wage tiers. The company will also add and enhance some bonuses in the coming months, but MBUSI wages and benefits remain below UAW members’ compensation at the Big Three.⁴¹

Feb. 22 – CEO Holds Mandatory Anti-Union Meeting. CEO Goebel speaks at a mandatory plant-wide meeting and urges workers not to unionize. He says, “I don’t believe the UAW can help us to be better,” and workers “shouldn’t have to pay union dues.”⁴²

Feb. 27 – Workers Reach Majority Support. Despite the company’s anti-union attacks, MBUSI workers maintain momentum as 50% sign union cards. In a video announcement,

Mercedes worker Jeremy Kimbrell, surrounded by coworkers, says, “We organized our plant by ourselves. We are our union.”⁴³

Feb. 29 – Saban Speaks, Workers Blocked. Just-retired University of Alabama Coach Nick Saban, a co-owner of seven Mercedes dealerships, speaks at a mandatory all-plant meeting. Before the speech, MBUSI workers start passing out UAW hats to union supporters, but a manager intervenes and stops them. The NLRB later determines the manager violated the law.⁴⁴

March 21 – More Evidence of Illegal MBUSI Conduct as Attacks Intensify. The UAW files multiple unfair labor practice charges against Mercedes as the company’s anti-union campaign gets even more aggressive.⁴⁵ The NLRB will find merit in multiple charges and begin prosecuting MBUSI in 2025.⁴⁶

April 3 – UAW Charges Mercedes with Violating German Supply Chain Law. The UAW files charges in Germany against Mercedes-Benz Group AG for violating the country’s law on global supply chain practices. The law sets standards for global supply chains that German-based firms must adhere to, and it clearly prohibits companies from violating workers’ rights to form unions.⁴⁷

April 5 – MBUSI Workers File for Election. A supermajority of Mercedes-Benz workers file a petition with the NLRB for a vote to join the UAW. They become the second group of Southern autoworkers to call for a union election in less than three weeks. Volkswagen workers in Chattanooga, Tenn., filed for their election in mid-March and will vote April 17-19.⁴⁸

April 26 – Mercedes Hires a Mercenary. Mercedes shreds the company’s rule to “remain neutral” during organizing campaigns and signs a contract with Road Warrior Productions, a notorious union buster that advertises its ability to get workers “to vote non-union.” Mercedes also contracted with at least four other union-busting firms.⁴⁹

April 30 – Last-Minute CEO Swap. In a classic move from the union-buster playbook, MBUSI reassigns CEO Goebel and replaces him with Federico Kochlowski. The new CEO sends a letter to workers asking them to “give me a chance,” and says, “I prefer that we work on our future together without anyone else between us.”⁵⁰

May 10 – Mercedes Brings a Pastor to the Plant. MBUSI brings a black minister onto the shopfloor to urge black workers to vote against the union. In an earlier video sent out by MBUSI, the minister said “people who look like me” should be grateful for their jobs and oppose the union.⁵¹

May 13-17 – Union Election at MBUSI. The five-day election period, like the days and months before it, is marred by MBUSI’s intense anti-union activity. The final vote is 2,642 to 2,045 against joining the union.⁵² UAW President Shawn Fain, standing with MBUSI workers in Alabama, says, “Sometimes Goliath wins a battle. But David wins the war. These workers will win their fair share. And we will be there every step of the way to support them.”⁵³

June 24, 2024 – More Evidence of MBUSI Breaking the Law. The union adds to charges that MBUSI broke the law in the months before the election when it threatened plant closure and benefit loss if workers voted for the union.⁵⁴ On July 1, 2025, the NLRB will make a final determination that Mercedes did violate the law and begins prosecuting the company.⁵⁵

Feb. 21, 2025 – MBUSI Fires Leading Union Activist. MBUSI fires Jeremy Kimbrell, the highest-profile union activist in the plant and a 26-year employee with no history of discipline. While off the clock, Kimbrell had collected political donations from several co-workers; MBUSI employees routinely collect money for Girl Scout cookies and other fundraisers and are not disciplined. Another union supporter is also fired in February. The NLRB is investigating both cases.⁵⁶

July 1, 2025 – NLRB Prosecutes MBUSI for Breaking the Law in Anti-Union Campaign. The NLRB finds merit in multiple charges that MBUSI broke the law during its anti-union campaign in 2024. The NLRB is prosecuting the

company and moving forward with a hearing.⁵⁷ The NLRB also continues to investigate charges that MBUSI illegally fired Jeremy Kimbrell and another union supporter.⁵⁸

MBUSI Violations Being Prosecuted by the NLRB

MBUSI workers have given sworn affidavits to the NLRB detailing charges that the company broke the law during its anti-union campaign in 2024. The NLRB investigated, found merit to multiple charges, and is now prosecuting MBUSI.

Immediately below is a summary of the cases the NLRB is prosecuting. Further down are detailed accounts of the cases, with stories of the workers targeted by MBUSI.

- 1. Retaliation Against a Worker for Union Activity – NLRB Case 10-CA-337345**
MBUSI illegally disciplined an employee for being involved in union organizing and for standing up with his coworkers. This is a violation of workers’ rights under the law.
- 2. Blocking Protected Activities in the Workplace – NLRB Case 10-CA-338408**
MBUSI broke the law by stopping employees from talking about union matters in mixed-use areas of the plant, and by ordering them to leave those areas when they tried to do so. In a separate incident, a supervisor illegally confronted and questioned employees about their union-related actions.
- 3. Threats of Plant Closure and Benefit Loss – NLRB Case 10-CA-341574**
MBUSI violated the law when it threatened workers that the plant might shut down or they could lose existing benefits if they voted to join the union.
- 4. Telling Workers Unionizing is Pointless – NLRB Case 10-CA-343584**
MBUSI also broke the law by telling employees that choosing a union would be useless or wouldn’t change anything.

Worker Stories Behind the NLRB Cases

A Spotless Record Until Speaking Out for the Union

Case 10-CA-337345 – NLRB Final Merit Determination⁵⁹

- MBUSI violated Section 8(a)(1) of the Act by issuing discipline to employee Richard Dial in retaliation for his protected, concerted activity.
- MBUSI violated Section 8(a)(3) of the Act by issuing discipline to employee Richard Dial in retaliation for his union activity.

Richard Dial, a logistics worker at MBUSI, is a model employee. Hired as a temp in 1998, he was brought on board as a permanent employee in 1999. For the next 25 years, Dial was never once disciplined by the company.

That all changed on Feb. 14, 2024, soon after MBUSI workers had publicly launched their organizing campaign. Dial was with his co-workers at a start-up meeting held by their group leader at the beginning of the shift. At the end of the meeting, the supervisor announced that Mercedes would be giving out new raises to employees. When the group leader was done, Dial stood up and said the new raise “is still not enough.” Dial told his co-workers he had union authorization cards in his locker if anybody wanted them. The group leader said nothing, the meeting ended, and Dial’s day continued as usual.

He was off the next day, but when he came back to work on the 16th, his group leader told him that human resources (HR) wanted to see him. When he went to HR, two HR representatives were waiting to meet him. One rep ran the meeting and asked Dial if he’d told his co-workers he had union cards. Dial said he had, and the rep told him that it constituted “solicitation” for the union on work time and violated company policy. Dial responded by noting that MBUSI’s then-CEO Michael Goebel had held a plant-wide meeting earlier that month where he spoke out against the union. How, Dial asked, was the CEO not guilty of solicitation?

The manager didn’t argue the point. He instructed Dial to write a statement about the start-up meeting and what he’d said about the union cards. Dial said he would not and the manager said his refusal was a serious offense. Dial

told the manager to just let him know what was going to happen and left. He went back to work, believing, correctly, that he had the right to speak up for the union.

Nevertheless, Dial was dragged into another meeting with HR about a week later. This time, the HR rep who’d led the first meeting was joined by a higher-level HR manager, who sat in silence as the rep confronted Dial. He told Dial he was being given a Level 2 discipline for solicitation. That’s a written warning that stays on an employee’s record for a year and prohibits the worker from transferring to another job, getting a company car at a discounted price, and more.

Dial told the rep: It’s not right that the CEO can stand up in front of the whole plant and tell us we don’t need the union, but a worker gets in trouble for making one minor comment about having union cards.

In fact, as the NLRB has found, Dial was absolutely right. Advocating for the union in a meeting like Dial did is legally protected activity, and the NLRB determined that MBUSI broke the law when it tried to stop him.

Saban Speaks Up, but Workers Are Shut Down

Case 10-CA-338408 – NLRB Final Merit Determination⁶⁰

- MBUSI violated Section 8(a)(1) of the Act by refusing to allow employees to engage in protected activities in a mixed-use area of the plant and instructing employees to cease such activities and leave the area.
- MBUSI violated Section 8(a)(1) of the Act when it, through a supervisor, coercively confronted and questioned employees regarding their protected concerted activities.



Photo: Jacob Ryan

Jacob Ryan worked for five long years as a temp at MBUSI before finally being hired as a permanent employee in 2019. Ryan knew firsthand that the company wasn't treating all workers fairly, so when the organizing campaign began, he threw himself into it.

He was a leader on the union's voluntary organizing committee, and he handed out UAW hats, buttons and stickers in non-work-areas at the assembly plant. His experience passing out union merchandise led to an inspired idea.

MBUSI had announced that it was holding a mandatory meeting on Feb. 29, 2024 for all day shift employees. But it wasn't some dreary meeting with the CEO, it was a speech by Alabama's ultimate motivational speaker: legendary Crimson Tide football Coach Nick Saban — who just happens to co-own seven Mercedes-Benz dealerships.⁶¹

In Alabama, where football is king, Ryan and the organizing team knew there was no bigger draw. Plus, MBUSI was busing in workers from the company's battery plant, which is about seven miles away and a challenge for union activists to access.

Ryan and a co-worker decided to pass out union hats to the battery workers as they arrived for Saban's speech. Just before it, they met up with the battery workers in a hallway that was clearly a non-work area and started passing out the hats. Soon, a senior HR manager saw them. Visibly angry, he made a call on his cell phone. Five minutes later, the senior HR manager insisted that the hallway was a work area — it was not — and told Ryan and the co-worker to go to a nearby atrium. They did, but when they got there, it was empty. All the battery workers had already filed in to hear Saban.

A few minutes later, while Ryan was in the atrium, the senior manager confronted him again and demanded that he give him his name, work area, manager's name, and work schedule.

Ryan wasn't formally disciplined over the incident, but being upbraided by a senior HR official left him concerned that he might be targeted in the future. Breeding concern and instilling fear is what anti-union campaigns are designed to do, even if it is illegal.

The Brutality of Mercedes' Anti-Union Campaign

Case 10-CA-341574 — NLRB Final Merit Determination⁶²

- MBUSI violated Section 8(a)(1) of the Act when it threatened employees with plant closure if they selected the union as their collective bargaining representative.
- MBUSI violated Section 8(a)(1) of the Act when it threatened employees with loss of existing benefits if they selected the union as their collective bargaining representative.

The brutality of an anti-union campaign in America is almost impossible to convey if you've never lived through one. But read through David Johnston's description of MBUSI's union-busting efforts, and you begin to understand the relentless pressure workers face.

In the run up to the May 2024 union election, Johnston was a cell operator at MBUSI's battery plant in Bibb County, about seven miles away from the main assembly plant. There were fewer than two hundred eligible voters in the battery plant, so the company ran a tightly focused and intense union-busting campaign.

Johnston was a public supporter of the union. He passed out pro-union literature in the parking lot and spoke up when supervisors in the plant tried to run down the union.

As the union campaign kept gaining momentum in February and March, managers started holding daily anti-union meetings. At first, they passed out cards that said, “If you do not want a union, vote no.” Soon the cards just said, “Vote No.”

At the meetings, the anti-union messaging went on for ten to twenty minutes and included just about every attack in the union-busting playbook: dues aren't worth it, collective bargaining is a big risk, and on and on. After about two weeks of the daily meetings, Johnston asked his supervisor if he had to attend them. The supervisor said, yes, they were mandatory. It quickly became clear they were captive-audience meetings in which workers were not allowed to speak. When Johnston or others tried to raise issues, they were silenced and told to talk privately with the presenter after the meeting.

Senior managers also began walking up to employees on the line, while they were working, and discouraging them from supporting the union. Senior managers repeatedly approached Johnston and asked him how he felt about the union. He always told them he was a supporter, and they kept trying to dissuade him.

By late April, anti-union consultants also started holding meetings in the battery plant. Johnston and other union supporters were excluded from many of them. However, in several meetings he did attend, presenters talked about the likelihood that the plant would close if workers voted for the union.

Such messages are illegal — that's why the NLRB is prosecuting this case — but those illegal messages are effective. Johnston estimates that 20 percent of union supporters switched their vote based on these meetings in the final weeks of the campaign. Until MBUSI is forced to end this lawless behavior, workers there will be denied their right to a free and fair union election.

Trying to Break the Will of Workers

Case 10-CA-343584—NLRB Final Merit Determination⁶³

- MBUSI violated Section 8(a)(1) of the Act when it informed employees that the selection of the union as their collective bargaining representative would be futile.

Kay Finklea had worked at MBUSI for more than 20 years when the organizing campaign took off in late 2023. Austin Brooks was barely out of high school and had just started working at MBUSI. But they were both key leaders in the campaign.

Even though they worked far apart — Finklea worked at the main assembly plant, Brooks was in the battery plant — they heard the same anti-union messages over and over. Brooks got the message directly from his plant manager.

One day, as Brooks was passing out union fliers, the plant manager took one and told him he didn't know what he was fucking asking for. Despite the f-bomb from a high-level manager, Brooks kept on organizing.

A month later, the plant manager called Brooks into his office to talk one-on-one about the union. Again, the plant manager said Brooks didn't know what he was f-ing asking for, and then recited a long list of union-buster talking points: the union could guarantee nothing; the union would stop managers from talking to and helping workers; health benefits could get worse.

It wasn't just the plant manager who pressured Brooks. Other managers he'd once had good relationships with also turned on him. Brooks has a compromised immune system that sometimes requires him to be hospitalized. His supervisors knew that when he was hired and had been fine with it. But once he became a union activist, they made it more and more challenging for him to be excused.

Just after the union election, Brooks was transferred away from the battery plant and sent to the main assembly plant. Getting permission to deal with his health kept getting harder and harder. In October 2024, managers pressured him to sign a statement that was basically an apology for his condition and a plea not to fire him. Refusing to beg, Brooks quit.

Finklea has been spared the terrible treatment Brooks had to deal with. She was such a high-profile leader — appearing in multiple videos and even featured on



Photo: Kay Finklea

billboards — that her supervisors kept her away from anti-union meetings and more or less ignored her. Still, she got all the anti-union emails, texts, and literature that the company flooded workers with.

Finklea kept close track of all the anti-union propaganda and reported it to the NLRB. Taken altogether, it's a surround-sound of futility. A sinister drumbeat from management that workers can't possibly win their union, and even if they do, nothing good can come of it.

How can Mercedes-Benz move that message in Alabama, when its corporate leaders claim to “work with all employees, employee representatives and unions in a spirit of respect and trust”?⁶⁴ The words mean nothing if MBUSI workers are denied a free and fair union election.

More Charges Pending Against MBUSI

MBUSI didn't end its anti-union campaign after the election in May 2024. Even now the company continues to intimidate and, in some cases, fire union supporters.

Since the 2024 union election, MBUSI workers estimate that as many as 500 union card signers no longer work at the company. That is a far higher number than normal attrition could explain. Many union supporters feel targeted by management and pressured to abandon their support for the union or leave Mercedes.

Below is the story of Jeremy Kimbrell, who was the highest profile union leader in the plant until MBUSI used a bogus pretext to fire him in February 2025.⁶⁵

Another union supporter was also fired in February for dubious reasons. The UAW has charged that they were illegally fired and the NLRB is currently investigating both cases.

A Pretext to Take Out a Key Leader

In too many cases, America's broken labor laws force workers to walk through fire to win a union. Jeremy Kimbrell has been walking that bed of coals for more than 20 years.

Kimbrell started working at MBUSI in 1999 and soon saw the need for a union. As early as 2006, Kimbrell was featured in national news stories about union organizing at Mercedes.⁶⁶ MBUSI executives weren't thrilled about it, but Kimbrell, like so many union activists at Mercedes, had a sterling work history and the company couldn't find a reason to fire him.

In late 2023, after the UAW's Stand Up Strike jump-started organizing at MBUSI, Kimbrell was again at the center of the action. Kimbrell's job as a CMM operator in the body shop's quality department took him all over the plant, so he personally knew and talked with hundreds if not thousands of workers.

Kimbrell was arguably the highest-profile union activist in the plant. He made it all the way through the union election in 2024 without being retaliated against, but that December a new group leader was assigned to his area. The new group leader told Kimbrell that MBUSI executives had warned that union activity was about to pick back up, and that Kimbrell would face stricter application of company rules.



Photo: Jeremy Kimbrell

As a leader of the union campaign, Kimbrell had a meeting scheduled on Jan. 17, 2025 with MBUSI CEO Federico Kochlowski. The group leader told him repeatedly not to go. Kimbrell went. He asked Kochlowski if the company would live up to its commitment to stay neutral during future organizing. Kochlowski refused to answer.

Kimbrell told the CEO he was concerned that he might be terminated for his union activism. The CEO told him he had nothing to worry about. Exactly five weeks later, Kimbrell was fired.

Here is the company's very bogus pretext. On Jan. 28, Kimbrell arrived at the plant early, which he often did. His routine, which he'd followed for years and never been disciplined for, was to get to work well before his shift and talk with other employees before clocking in. That day, as Kimbrell talked with workers before his shift, he followed up with a few who had previously, and eagerly, agreed to donate to a Tuscaloosa city council candidate. The candidate they were backing was running against Matthew Wilson, a city councilman and pastor who had come to MBUSI just before the 2024 union election and urged workers to vote no. (Spoiler alert: Wilson was defeated.)

The workers had already told Kimbrell they wanted to give. He didn't have to solicit their donations, so he was able to quickly get the money without disrupting their work. MBUSI employees routinely collect money in the plant for Girl Scout cookies and other fundraisers, and managers do not discipline them. No one intervened to stop Kimbrell that day either. After getting the donations, Kimbrell clocked in as usual, completed his shift without incident, and went home.

The next day, however, a co-worker texted Kimbrell to let him know that managers from HR had been asking about him. For a while, no one in management contacted Kimbrell to ask about the 28th. Then, on Feb. 5, an HR representative called Kimbrell into his office where another higher-level HR manager was waiting. The HR officials asked Kimbrell if he'd been soliciting donations. The HR rep said the MBUSI punishment for solicitation was termination. Kimbrell explained that he hadn't been soliciting.

Then the HR officials asked Kimbrell what workers he'd talked to on the 28th. Kimbrell said he didn't want to be insubordinate, but he didn't want to give workers' names because he didn't want them to get in trouble. The HR rep then said Kimbrell was being suspended pending an investigation. When Kimbrell asked what he was being suspended for, the rep said solicitation.

Kimbrell told the HR manager that he believed the real reason for the suspension was his role as leader of the union drive.

He also noted that an employee who'd recently been selling Girl Scout cookies in the plant wasn't disciplined at all. The HR manager conceded the point and told Kimbrell he wasn't going to suspend him, and that he could continue working while the investigation went forward.

Kimbrell continued working as usual until Feb. 18. But then he was called into a second HR meeting. This time, a third, even higher-level HR manager was present. He grilled Kimbrell about the 28th and wrongly accused him of being away from his work area at 3 p.m. on that day. In fact, Kimbrell was in a regularly scheduled work meeting with his co-workers, but the HR senior manager refused to relent. He suspended Kimbrell and had him walked out of the plant. Three days later, the HR rep and senior manager called him and over the phone told him he was terminated.

Kimbrell's story is far from over. The NLRB is investigating his case, and the UAW is fighting to have him reinstated with full back pay. Kimbrell has no intention of quitting the campaign until the workers of MBUSI have won their union.

MBUSI's Anti-Union Tactics

MBUSI has blatantly violated Mercedes-Benz's commitment to "remain neutral...in the event of organization campaigns."⁶⁷ That's made clear by the stories of the workers above – and by the NLRB's ongoing prosecution of MBUSI. Below is an analysis of the anti-union tactics the company has used and how those tactics violate Mercedes' Principles.

An Army of Anti-Union Consultants & a Team of In-House Enforcers

The essential ingredient in an anti-union campaign is "FUD." That's Fear, Uncertainty, and Division. There is an entire industry of anti-union consultants who specialize in filling workplaces with FUD. MBUSI hired an army of them in the campaign against its workers.

Mercedes hired at least five different anti-union firms to assist in its union-busting campaign.⁶⁸ The most notorious firm was Road Warrior Productions, also known as RWP Labor. It's the same firm that fought Amazon workers when they tried to organize their warehouse in Bessemer, Alabama. Its head, Russ Brown, was paid \$3,200 a day plus expenses to lead that union-busting campaign.⁶⁹

Here are some of the union-busting tactics that Brown and other consultants helped orchestrate at MBUSI in the run up to the May 2024 union election:

- **Relentless Anti-Union Meetings, Videos, Digital Ads, and More.** Before the campaign, the daily start-up meetings held in MBUSI work areas were innocuous gatherings where managers shared information about the day ahead. But soon after the organizing campaign went public, managers started padding them with anti-union propaganda based on union-buster talking points. As the election approached, workers were increasingly pulled into high-pressure captive-audience meetings often run by consultants. Anti-union videos played constantly on TVs in the plant. Outside the plant, workers' social media feeds were filled with anti-union digital ads.
- **Ramping Up "Random" Drug Tests.** MBUSI had done very occasional drug testing of workers before the organizing campaign, but once it started, many union supporters were suddenly subjected to screenings that seemed targeted, not random. Key

leader Jeremy Kimbrell hadn't been tested in more than a decade, but he was "randomly" selected for a test not long before the union election.

- **Targeting Black Workers**—MBUSI heavily pressured black workers, who comprise roughly 60% of the workforce. Just three days before the May 2024 election, the company ushered a black minister onto the plant floor and he urged black workers to vote no.⁷⁰ The racially divisive tactics used in the campaign are discussed in more detail in Section 4 of this report.

The hiring of these union-busting firms clearly violates the company's commitment to remain neutral during organizing campaigns.⁷¹ Plus, the MBUSI executives who hired them violated Mercedes-Benz's order to only hire "business partners" that are in "compliance with our principles."⁷²

MBUSI chief of staff Chip Fuqua and then-general counsel Steven Nichols signed the contract with Road Warrior Productions. Nichols is also the name listed in agreements with four other anti-union firms hired by MBUSI.⁷³

The Mercedes-Benz Integrity Code says, "Anyone who engages in misconduct must expect appropriate consequences."⁷⁴ It seems self-evident that Fuqua and Nichols engaged in misconduct, but there is no sign that either one has suffered any consequences.⁷⁵

The Mercedes Social Compliance Management System (CMS), cited in Section 2 of this report, is supposed to identify and punish misconduct. But the failure to do so at MBUSI suggests that there are serious deficiencies with the company's compliance processes.

There is a real danger that a culture of impunity, rather than a culture of integrity, is taking root at MBUSI. Even after last year's vote not to unionize, MBUSI continued its union-busting campaign. MBUSI still broadcasts anti-union videos, and union supporters are still being harassed and fired.⁷⁶

The anti-union campaign seems to rely less heavily now on union-busting consultants. Instead, MBUSI seems to be building its own team of in-house enforcers. The same Human Resources managers keep popping up in the harsh discipline and firing of union supporters.

From the HR department to the shopfloor, MBUSI is cultivating a management team that fiercely rejects the Mercedes-Benz Group's directive to work with "unions in a spirit of respect and trust."⁷⁷

Attacks by Alabama's Business & Political Elite

The business and political leaders of Alabama ferociously opposed the MBUSI workers' organizing campaign. The day after MBUSI workers went public with their campaign to join the UAW, Alabama Gov. Kay Ivey issued a statement saying Alabama's "model for economic success is under attack."⁷⁸

On Jan. 30, the Business Council of Alabama, the state's largest business association, launched an anti-union campaign called "Alabama Strong." The campaign included op-eds, billboards online ads, and a website featuring a "Keep the UAW Out" tagline at the top.⁷⁹

In one op-ed, the Business Council's president and CEO wrote, "Giving the UAW a toehold within the state is the same as dumping a large and toxic dose of castor oil into a delightfully delicious economic development recipe."⁸⁰

MBUSI is a member of the fiercely anti-union Business Council of Alabama despite the Mercedes-Benz Group's commitment to work in "constructive collaboration" with unions.⁸¹

Using Carrots as Well as Sticks

In a classic anti-union campaign, the employer uses carrots as well as sticks. The company tries to entice workers with immediate improvements and promises of a better future. Mercedes doled out many carrots.

- **The UAW Bump.** After UAW members at the Big Three won historic raises in late 2023, MBUSI and other non-union automakers quickly rolled out raises that came to be known as the UAW Bump. In February, MBUSI raised top pay by \$2 an hour and ended wage tiers. Though it wasn't as generous as UAW members' pay, it did get workers' attention.
- **Enhanced & Additional Bonuses.** MBUSI also enhanced two existing bonuses, created a new quarterly bonus and brought back a July 4th bonus. The company misleadingly changed the name of its Team Share Bonus to a Profit Share Bonus. While UAW Big Three members do have a profit-sharing formula that can result in huge bonus checks, there is no formula at MBUSI; Mercedes' hoped the name alone would suffice.
- **Installing a New CEO.** Just a few weeks before the election, MBUSI used an old union-busting trick. They swapped out the old CEO and replaced him with a new CEO who promised to do better and asked workers to "give me a chance."⁸² (It should be noted that the old CEO wasn't fired or disciplined. In fact, MBUSI thanked him for his "steadfast leadership" and said he would "transition to a new strategic role."⁸³)

The problem with the company's carrots is that without a union contract they can be taken away at any time. The Mercedes-Benz Group clearly understands the value of a contract, which is why its Principles support the right to collective bargaining.⁸⁴ ■

Words vs. Actions at Mercedes-Benz

In the Mercedes-Benz Integrity Code and Principles, the company has many strong statements supporting the right of workers to form unions. But this chart shows how Mercedes' words have been undermined by its actions in Alabama.

<p><i>We'll Remain Neutral</i></p> <p>"In the event of organization campaigns, the company and its executives shall remain neutral."⁸⁵</p>	<p><i>Oppose Union Immediately</i></p> <p>Right after MBUSI workers launched their organizing campaign, the CEO sent all workers a letter in which he opposed unionization. Two weeks before the union election, Mercedes-Benz Group Board of Management member Jörg Burzer told workers in an anti-union video "the only path forward is for us to work together, as one team."⁸⁶</p>
<p><i>We Won't Retaliate</i></p> <p>"Founding, joining or being a member of a workers' union recognized under applicable law shall not be used as a reason for a lack of equal treatment or retaliation."⁸⁷</p>	<p><i>Retaliate Against Model Employee</i></p> <p>The U.S. National Labor Relations Board (NLRB) finds MBUSI broke the law when it harshly disciplined a long-time employee with a spotless record. He had merely told coworkers he had union cards.⁸⁸</p>
<p><i>We Believe in Cooperation</i></p> <p>"Cooperation with employees and trade unions is on a constructive basis."⁸⁹</p>	<p><i>Harass Union Activists</i></p> <p>The NLRB finds MBUSI broke the law when a high-level HR manager stopped union supporters from passing out UAW materials before a plant-wide meeting.⁹⁰</p>
<p><i>We Respect You</i></p> <p>"We work with all employees, employee representatives and unions in a spirit of respect and trust."⁹¹</p>	<p><i>Disrespect Workers with Threats</i></p> <p>The NLRB finds MBUSI broke the law when managers and consultants told workers the plant might close if they voted for the union.⁹²</p>
<p><i>We Accept Your Right to a Union</i></p> <p>"[W]e acknowledge the right of our employees to form employees' representative bodies, to collective bargaining for the regulation of working conditions and their right to strike."⁹³</p>	<p><i>Tell Workers Union Is Futile</i></p> <p>The NLRB finds MBUSI broke the law when it claimed collective bargaining was pointless, benefits would get worse, and voting for the union was futile.⁹⁴</p>
<p><i>We'll Let You Decide for Yourselves</i></p> <p>"[T]he company will ensure that employees can make an independent decision."⁹⁵</p>	<p><i>Hire Notorious Anti-Union Firm</i></p> <p>MBUSI hired multiple anti-union consulting firms, including the notorious Road Warrior Productions, which promises to get workers "to vote non-union."⁹⁶</p>
<p><i>We Believe Everyone Is Equal</i></p> <p>"[W]e are committed to maintaining equal opportunities among employees and preventing all forms of discrimination."⁹⁷</p>	<p><i>Use Pastor to Pressure Black Workers</i></p> <p>MBUSI brought a black minister into the plant to urge black workers to vote no. In a company video, he said "people who look like me" should be grateful for their jobs and oppose the union.⁹⁸</p>
<p><i>We Hold Managers to a High Standard</i></p> <p>"Anyone who engages in misconduct must expect appropriate consequences."⁹⁹</p>	<p><i>Let Bad Managers Run Wild</i></p> <p>MBUSI is being prosecuted by the NLRB for illegal anti-union attacks, but managers who have engaged in obvious misconduct appear to have suffered no consequences.¹⁰⁰</p>

SECTION 4

Racial Dynamics of the Alabama Anti-Union Campaign

Mercedes-Benz claims “we are committed to maintaining equal opportunities among employees and preventing all forms of discrimination.”¹⁰¹ But MBUSI has used racially divisive tactics in its anti-union campaign, has almost no high-level black managers, and has a history of disproportionately hiring black workers as low-paid temporary workers (temps). This section examines the complex role of race at MBUSI and shares the experience of black workers.

Shifting Demographics of the MBUSI Workforce

There are no published numbers on the demographics of the 6,000 people who work at MBUSI,¹⁰² but Mercedes employees estimate that black workers currently make up roughly 60 percent of the workforce and white workers constitute the other 40 percent. When the plant opened in 1997, those percentages were roughly reversed, longtime workers say.

The reasons for MBUSI’s shift from a majority white workforce to a majority black workforce are rooted in the complicated and conflicted history of race in Alabama.

Mercedes-Benz was the first automaker to build an assembly plant in Alabama. The jobs were relatively high-paying and highly sought after. Though Jim Crow is long gone from Alabama, it is hard to argue that racism has been eradicated. When the plant opened in 1997, the first jobs at MBUSI went mostly to white workers.

The Great Recession and the Turn to Underpaid Black Temp Workers

The demographics of the MBUSI workforce remained more or less unchanged until after the Great Recession of 2008. MBUSI, like the rest of the auto industry, was hit hard and instituted a series of layoffs. Between the fall of 2008 and the end of 2009, employment at MBUSI dropped from 4,000 to 2,800.¹⁰³

The company didn’t ramp up hiring again until 2012. According to longtime MBUSI workers, the vast majority of new employees were temps paid roughly \$15 an hour, far below the hourly rate of existing permanent employees. **MBUSI overwhelmingly slotted black workers into these low-paying temp jobs.**

A recent study of the auto industry in Alabama found that it’s not just at Mercedes where black workers are stuck in low-paying jobs. “Shocking gaps in pay persist across race

and gender lines,” according to a 2023 study of auto jobs in the state by Alabama Arise.¹⁰⁴ In Alabama, a black autoworker earns on average 83 cents for every dollar earned by a white autoworker.¹⁰⁵

One would expect better from Mercedes-Benz given the company’s Integrity Code and Principles, but the racial disparities at MBUSI aren’t only seen among production workers, the racial disparity among managers may be even worse.

The Racial Hierarchy in Management at MBUSI

MBUSI’s management ranks include few black executives. Instead, black managers often fill lower-level positions that involve direct discipline of production workers. There are five management levels at MBUSI. From E1, the top executives, to E5, mostly group leaders who work on the shopfloor.

MBUSI workers say that very few if any black managers have ascended above E3. They tend to be at the E4 or E5 level and are often assigned roles on the shopfloor or in human relations where they must directly discipline production workers. Relegating black managers to these lower-level disciplinary roles undermines black leadership in the plant and fosters divisions among black employees.

Historical Context of Race & Labor in the South

Long before Mercedes-Benz built its assembly plant in Alabama, U.S. manufacturers had been shuttering their unionized factories in the North and setting up nonunion plants in the low-wage South. In 1965, the CEO of RCA looked at the rock-bottom pay rates around Memphis and said, “We can’t afford not to move there.”¹⁰⁶

The companies were taking advantage of a Southern economic model that was, as described in a recent Economic Policy Institute (EPI) report, built on “low wages, low taxes, few regulations on businesses, few labor protections, a weak safety net, and vicious opposition to unions.”¹⁰⁷ That EPI study, “Rooted in Racism and Economic Exploitation,” argues that the business and political elites of the South “have stoked racial divisions to maintain power and ensure access to cheap labor—at the expense of working people.”¹⁰⁸

The EPI report acknowledges that the overt racism of the Jim Crow era is a thing of the past but identifies the racially divisive policies that remain. Voter suppression aimed at black residents, wage suppression in jobs predominantly held by black workers, and shredded social safety nets that disproportionately hurt black families all serve to reinforce a racial hierarchy in the South.¹⁰⁹

It’s not just black workers who are harmed by the Southern economic model. The EPI report details the many ways that all Southern workers are harmed. Some of the injuries include:

- **More Child Poverty.** The South has the highest child poverty rate of any region in the United States, with 20.9% of children living in a household below the poverty line. Alabama’s child poverty rate, 23.9%, is even higher.¹¹⁰
- **More Overall Poverty.** Overall poverty rates in most Southern states are also above the national average. That includes Alabama, which has a 15.5% poverty rate, more than 3 points higher than the national rate of 12.3%.¹¹¹
- **Less GDP Per Worker.** The South falls short even on measures of economic efficiency. Nine of the 15 states with the lowest per-worker GDP are in the South. Alabama is ranked seventh lowest among all U.S. states.¹¹²

That is the Southern economic model that businesses like Mercedes-Benz have exploited.

MBUSI is hardly alone among Southern manufacturers in having a workforce shot through with racial disparities. But Mercedes-Benz claims to be a corporation with a conscience.

If Mercedes-Benz wants the world to believe its pledge that “discrimination is not tolerated in any form,” then MBUSI must end its anti-union campaign and its racially divisive practices.¹¹³

Racial Undercurrents in MBUSI’s Anti-Union Strategy

To understand the racial undercurrents of MBUSI’s anti-union campaign, one needs to hear directly from black workers.

In the following stories, black workers explain how MBUSI explicitly targeted and pressured black employees with its anti-union messaging; and how the company exploited the faith of black workers with a notorious anti-union messenger.

“I Do Think the Company Was Playing the Race Card”

Cory Jones, Team Leader, Body Shop

Before Cory Jones started working in the body shop at MBUSI in 2004, he was an ordnanceman in the U.S. Navy. Handling high explosives, he had to trust his fellow sailors — black and white — with his life. “In that job, there was no color,” Jones says. “You did not see color.”

That was not his experience during the anti-union campaign that MBUSI ran before the May 2024 election. “They definitely targeted the black worker,” says Jones, a team leader in the body shop. “In Mercedes’ anti-union videos, I would say for every ten black workers on screen, they’d have maybe two white workers.”

As Jones notes, the people in the videos speaking against the union were rarely production workers — they were mostly group leaders, who are first-level managers. (Team leaders like Jones are not management.) The reliance on group leaders was a sign that the anti-union campaign didn’t have deep support in the plant.

“But when I’m gonna play that video everyday, everyday, the mind begins to play tricks with it,” Jones says. “The union couldn’t push their agenda in the plant like that, so the company started to pull people on their side.”

“I do think the company was playing the race card,” Jones says. “I’m from Alabama, and I love Alabama as much as my white brothers and sisters. But at Mercedes, at a lot of places in the South, black workers know who’s got the pen and the paper and the power. It’s not them, so if they feel powerless, the company can push them.”

“I’m thankful for what MBUSI has done, that I have a job to support my family,” Jones says. “But I see the problems in the plant.”

“Many team members have talked to me about their concerns with racism in the plant,” Jones says. “They’re hurt, angry. There’s disbelief that in this day and time it’s still going on. But there’s fear, too. Fear of saying something about it.

“How are we ever going to be equal, how is there going to be justice for us all when we’re being seen on the color spectrum and not for our character as a human.”

Like many other employees, he notes the lack of black managers in upper-level positions at MBUSI. “Strategically, black managers don’t lead anything,” Jones says. “Even if they have power, they can’t use it.”

Jones feels the union can help reset the balance at Mercedes, not just on the shopfloor but companywide. “The union brings people together,” Jones says. “It shows a better way forward.”

The Notorious Message of MBUSI’s Anti-Union Pastor

Detrick Lewis, Panel Adjuster, Body Shop

Detrick Lewis was working his shift in the body shop when the Rev. Matthew Wilson came onto the shopfloor. It was three days before the union election in May 2024, and Wilson, a black pastor and Tuscaloosa city councilman, had been brought into the plant by MBUSI to urge black workers to vote no.

The pastor’s visit was part of a brazen effort by MBUSI to target black workers and turn them away from the union. Rev. Wilson also recorded a video for MBUSI saying jobs at Mercedes had been a boon “for people who look like me” and that black workers should be appreciative and oppose the union.¹¹⁴

When Rev. Wilson showed up at the body shop, he was ushered around by a senior manager from MBUSI. They spotted Lewis as he was returning from a break and approached. Lewis, a high-profile leader in the union campaign, got the feeling he was being targeted.

Rev. Wilson started off talking to Lewis about what workers could win as individuals. Lewis was not impressed. He told the pastor, “One person can start something, but in order to create change, you have to have backing behind you.” Lewis cited the example of the Civil Rights movement and asked Rev. Wilson: If he thought the voice of one individual was important, what did he think about the Rev. Martin Luther King Jr.?

Rev. Wilson said he considered King “an elitist” who didn’t care about the average American. In fact, King was assassinated while supporting the striking sanitation workers of Memphis.

Lewis argued that strikes drive employers to meet workers' demands and noted that the UAW's Stand Up Strike pushed Mercedes to bump up the pay of MBUSI workers. Rev. Wilson countered by pulling out a calculator. He told Lewis he'd need to be "conscious about his finances" while on strike and wanted to break down the impact on Lewis' bottom line. The gambit didn't work.

Not only had Lewis seen the difference the UAW's Stand Up Strike had made, he'd already seen the difference a union could make at Mercedes. Lewis, who began at MBUSI in 2014, had been sent to Germany to tour Mercedes-Benz plants there.

At MBUSI in Alabama, Lewis' job requires him to work underneath the body of vehicles as they move along the assembly line. For ten hours a day, he operates a high-power impact gun with his arms raised over his head. Lewis is over six feet tall and strong, but those terrible ergonomics put tremendous stress on his arms and shoulders.

Mercedes workers who do his job in Germany — and UAW members who do the job in the United States — don't work with their arms over their heads. Instead, their unions have the power to demand better ergonomics. Lewis also saw they have the power to win top-notch pay and benefits.

Seeing what his German co-workers had won was a revelation for Lewis, and it inoculated him against the anti-union talking points the Rev. Wilson was spreading. But few MBUSI workers have had the chance to see what conditions are like in Germany, so the misinformation peddled by the pastor and MBUSI's union-busting consultants sowed seeds of doubt.

MBUSI's targeting of its black workers was insidious but effective. In any future election, Mercedes-Benz must live up to its promise to "not tolerate any form of discrimination or unjustified unequal treatment."¹¹⁵ ■

SECTION 5

Mercedes-Benz's Conduct in New York

Mercedes-Benz of Manhattan is no ordinary auto dealer. It is Mercedes' "flagship dealership" in North America, a company-owned store bound by Mercedes' Integrity Code and Principles.¹¹⁶ And yet, ever since its auto technicians voted to join the UAW in 2024, the dealership has harassed, fired, and forced out union supporters.

This section examines the attacks on union workers and shows how Mercedes' Compliance Management System has failed to protect them.

In May 2024, the same month that 5,000 Mercedes-Benz workers in Alabama had their union election, 51 auto technicians at Mercedes' high-profile dealership in New York City also had a union vote. They also faced a brutal anti-union campaign, but on friendlier turf. The UAW represents mechanics at other luxury dealerships in Manhattan — including Audi, BMW, Infiniti, Jaguar and Land Rover — so going union in New York was easier to imagine than in Alabama.

The Mercedes technicians won their union in a landslide, garnering 63 percent of the vote. Given the scale of the victory, the proximity of other unionized dealerships, and the Mercedes-Benz Principles that call for "[c]ooperation

with employees and trade unions," one might have expected Mercedes to engage in civil talks for a first contract.¹¹⁷ That's not what happened.

Since the technicians won their union vote, management at Mercedes-Benz of Manhattan has unleashed a variety of anti-union tactics, including:

- ***Undermining negotiations with a "union avoidance" law firm.*** The law firm Mercedes hired to lead negotiations touts its "union avoidance" practice and has refused for more than a year to settle substantive issues at the table.¹¹⁸
- ***Firing and Forcing Out Union Supporters.*** Roughly 10 technicians backing the union have been fired or pressured to leave; that's about a third of the workers who voted for the union.¹¹⁹
- ***Failing to Protect Workers with Mercedes' Compliance Management System.*** A close look at the case of a technician who was threatened by the dealership's top manager, faced harassment for many months, and was then fired shows how the whistleblower process in Mercedes' Compliance Management System is failing workers.

Undermining Negotiations with a “Union Avoidance” Law Firm

Mercedes-Benz of Manhattan had a choice to make after its workers voted to join the UAW. It could hire a law firm with a history of helping employers bargain fairly with their union workers. Or it could hire a firm with a reputation for playing hardball and stamping out unions. Mercedes decided to play hardball and hired Fox Rothschild, a “union avoidance” expert.

With the counsel of Fox Rothschild, Mercedes-Benz of Manhattan has pursued a variety of strategies to slow-walk negotiations and divide workers trying to reach a fair contract:

- ***Refuse to Reach Tentative Agreements on Substantive Issues.*** More than a year after workers won their union, the company has still failed to make serious progress on issues like wage increases and health care insurance.
- ***Blame the Union for Delaying Pay Raises.*** Mercedes has used a time-worn anti-union negotiating tactic and falsely claimed that ongoing talks with the union prevent it from increasing pay for workers. In fact, the UAW has worked with other employers to settle interim agreements that raise wages before the final contract is complete.¹²⁰
- ***Drag Out Bargaining Long Enough for a Decertification Petition to Be Filed.*** Under American labor law, a union can be decertified if workers haven’t settled a contract within one year of their union election. Legally, Mercedes and Fox Rothschild can have no role in the decertification campaign, but it is interesting that the anti-union workers who circulated the decertification petition had the legal savvy to launch it just after May 22, 2025, the one-year anniversary of the union vote.

The decertification petition at Mercedes-Benz of Manhattan is on hold for now. The U.S. National Labor Relations Board ruled this June that there are so many Unfair Labor Practice (ULP) charges pending against Mercedes that the decertification petition can’t proceed until those ULPs are investigated and resolved.¹²¹

Nevertheless, **Mercedes has withdrawn its recognition of the union and refuses to continue bargaining, which is the subject of another ULP by the UAW.¹²² In the summer of 2025, the company even fired two of the**

union’s bargaining team members, Rafael Jaquez and Kevin Flowers.¹²³ (The troubling details of their cases are discussed below.)

Even when negotiations were happening, union representatives were escorted in and out of bargaining by an armed guard, who then sat outside the room.

Mercedes-Benz of Manhattan and its attorneys have shown little sign that they respect “the right of our employees... to collective bargaining,” as called for in the Mercedes Principles.¹²⁴

Punishing Pro-Union Workers with Low-Paying Work

Mercedes-Benz of Manhattan is exploiting the unique pay structure of auto mechanics to slash the pay of union supporters, putting pressure on them to quit.

Most of the mechanics at Mercedes and other auto dealers are paid at a flat-rate per job, not at an hourly rate. Some jobs — like installing fuel pumps, for example — can be done more quickly and are more lucrative. At Mercedes, managers, it seems, have been steering those lucrative jobs to anti-union workers, according to Michael DiGiuseppe, the UAW Local 259 Vice President who represents technicians at Mercedes and other New York dealerships.

The more complicated jobs that take more time — like repairing transmissions — are being given disproportionately to pro-union technicians. That is eating into their paychecks and has pressured several technicians to quit.

The technicians being forced out are some of the most skilled and experienced mechanics in the shop. Recent customer reviews suggest service has suffered as the anti-union campaign has intensified.¹²⁵

“The Mercedes managers right now, they don’t care about the business part of it,” says Michael DiGiuseppe, the UAW Local 259 Vice President who represents technicians at Mercedes and other New York dealerships. “The only thing Mercedes cares about is this anti-union campaign.”

“Look at all the other shops, they’re thriving,” says DiGiuseppe. “The anti-union campaign is actually costing Mercedes money. It makes no sense even from a business point of view.”

Firing and Forcing Out Union Supporters

The attacks by Mercedes-Benz of Manhattan are so brazen that they’ve even fired members of the union’s bargaining team. The case of bargaining team member Rafael Jaquez shows Mercedes will use the thinnest of pretexts to target and fire union supporters.

Rafael Jaquez started at the Manhattan dealership in March 2024. He’d just gone through the Mercedes-Benz training program in Robbinsville, N.J., and was looking forward to learning even more at the company’s flagship dealership. When he got there, Jaquez did the kind of low-level work that new technicians often do. “I was doing tire repairs and claims with insurance companies,” Jaquez says. “It felt like I was on the phone more than I was working on a car.”

Three months into the job, the service manager asked Jaquez if he wanted to take a step up to alignment. Even though it was more work and more responsibility, Mercedes didn’t offer him more money. Jaquez took the job anyway. He figured it was a way to keep learning. He was surprised when the company gave him just one week of training in the shop’s alignment system and let him make due.

All through Jaquez’s first months at Mercedes, the union organizing campaign was underway. He backed the union, and the poor pay and minimal training he got for the alignment job only reinforced his feeling that being union would make things better. After winning the election, Jaquez stepped up and joined the bargaining team.

Even as negotiations were underway, Jaquez could see that the company’s opposition to the union was hardening. “Multiple technicians were fired,” he says. And it began to look like he was being targeted too.

As a bargaining team member, Jaquez was excused from work at 4 p.m. on days when there were negotiations. But when he’d get back to work the next day, “the guys would

say the managers were looking for you,” Jaquez says. The implication was that Jaquez, while negotiating a contract, was shirking his duties.

Still, for months management could find no reason to move against him. In April of this year, they even gave Jaquez the opportunity to start doing other jobs with a more experienced technician. On July 21, they finally increased his pay, shifting him from his low hourly rate to a better flat-rate plan. But suddenly, Jaquez’s trainer started acting strange. He stopped communicating with him and wouldn’t assist him on his last job, an engine removal and reinstallation. “They couldn’t find any problems with it,” Jaquez says. But then on July 23, shop foreman Ray White came up to Jaquez. “He said HR needed to speak to me for a few seconds. I’d never been to the HR office for any disciplinary reasons.”

When he got to HR, White was there with HR manager Elaine Valdez. “I could tell that Elaine was uncomfortable,” says Jaquez. She produced a screenshot from a Mercedes surveillance video taken months before in the service department. What the picture showed was Jaquez with a friend from the shop, gesturing, with his hands in a rifle-shape. “I couldn’t even recall the instance,” Jaquez says. He couldn’t recall because there had been no incident at the time. “There was no ill will, they know we’re friends. You can even see in the video that he went right back to work undisturbed.”

It didn’t matter. Valdez told Jaquez Mercedes has a “zero-tolerance policy” for violence that necessitated his firing. The company has produced no manual saying such a thing—or explained how an innocuous hand gesture was violent—but the company fired him anyway and refuses to reinstate him. The union has filed a ULP over Jaquez’s termination, but as with all NLRB cases, it will likely take months if not years to resolve.¹²⁶

“I’m okay,” Jaquez says. “I’m fixing friends’ cars. I’ll find work. But it’s sad what they’re doing to Mercedes.”

The Targeting of Kevin Flowers: A Case Study of Mercedes’ Failed Compliance Management System

Mercedes-Benz human resources officials are supposed to protect workers from management misconduct. If HR fails to step in, Mercedes has a whistleblower process in its Compliance Management System that’s supposed to act as a backstop. **But both HR and the Compliance Management System failed to protect union leader Kevin**

Flowers when he was targeted by the top manager at Mercedes-Benz of Manhattan, faced racist abuse and violent threats from a union opponent, and was fired on spurious grounds in September 2025.

HR Fails Flowers as He's Targeted by the Dealership's Top Manager

Kevin Flowers started working at Mercedes-Benz of Manhattan in 2007. He's one of the most skilled and experienced mechanics at the dealership, and he was a key leader of the 2024 organizing campaign at Mercedes-Benz of Manhattan. He was in the room at the dealership when the votes were counted in the May 22, 2024, union election.

Immediately after the election, Flowers went back to his mechanic bay. General Manager David Tait, who had stormed out of the vote count, was there waiting for him.

"I asked how can I help you, and he just stared at me," Flowers says. "I asked him why he was staring at me with a menacing look, but he said nothing and kept staring." Then Tait walked away, but he came back quickly and told Flowers, "You're on my time now, get back to work."

Upset by the encounter, Flowers went directly to the dealership's human resources office to report it. Tait's behavior was clearly retaliation for founding a union, which is prohibited by the Mercedes Principles.¹²⁷ Flowers had good reason to believe that Tait's misconduct should be met with the "appropriate consequences" outlined in the Mercedes Integrity Code.¹²⁸ But Tait suffered no consequences.

The following timeline shows how HR failed to protect Flowers in the Tait case and in a related case still pending with the National Labor Relations Board (NLRB):

May 22, 2024—Flowers goes to the human resources office to report the incident with Tait, the top manager at Mercedes-Benz of Manhattan.

Later that day, HR manager Stephanie Arnone emails Flowers, writing, "I've received your noted concern. I will ensure to investigate it accordingly."¹²⁹

May 24—The UAW files an Unfair Labor Practice (ULP) charge against Mercedes for retaliating against Flowers for his union activity.¹³⁰

June 4—Two weeks go by, and Flowers hasn't heard from Arnone about HR's investigation. He emails her asking for an update.¹³¹

June 6—Arnone sends Flowers a brief reply saying, "Our investigation is ongoing, and I will let you know when I have further information."¹³²

Flowers thanks her for responding and lets her know, "I fear for my job. I feel like all managers are mad at me and out to get me."¹³³

June 10—Four days later, Arnone responds, "Rest assured that we are not only committed to investigating this issue, but making sure that no employee is made to feel harassed, intimidated, or fearful for raising complaints."¹³⁴

June 18—Soon after the Tait incident, managers in the service department started giving Flowers slower, more difficult repair jobs. Because mechanics like Flowers work on a flat-rate system, slower jobs mean reduced pay. The UAW amends its ULP against Mercedes to include this latest form of retaliation against Flowers.¹³⁵

Aug. 5—Two and a half months after the incident, Flowers still hasn't been given a clear sense of how HR's Tait investigation is proceeding. He emails Arnone asking for information.¹³⁶

That afternoon, Arnone finally replies, "I did investigate the complaint that you raised, including speaking with witnesses. As a result of that investigation, we determined that the alleged conduct did not rise to the level of violation of any company policies."¹³⁷

Aug. 7—Flowers sends Arnone an email reiterating the ways Tait intimidated him, and asks her "when the investigation is done can I have a copy of my report."¹³⁸

Arnone replies, "we do not have anything like an incident report detailing our investigation. However, as a result of that investigation, we determined that the alleged conduct did not rise to the level of violation of any company policies."¹³⁹

Sept. 2025—More than 15 months after Tait first retaliated against Flowers, and even as managers continued to give Flowers less lucrative jobs, the NLRB still hasn't made a ruling in the retaliation case against Mercedes.

Compliance Management System Fails Flowers After He Faces Racist Abuse & Violent Threats

The targeting of Flowers intensified in early December 2024 when an anonymous anti-union provocateur placed a flyer attacking him in the locker of every Mercedes technician. The flyer said, “he feeds this brotherhood BS to all of us.... Fuck the BS!”¹⁴⁰

The flyer had details about Flowers’ pay that seemed like they might have come from a manager. The union asked to see if the dealership’s extensive video surveillance system might have captured the person who circulated the flyer, but management claimed to have no relevant footage. That incident wasn’t investigated further because another, even more troubling attack on Flowers happened just a few days later.

It involved an anti-union worker we will call Hector. (To protect his privacy, we are not using the anti-union worker’s real name.) Hector was one of the union opponents to whom Mercedes management had been giving easier and more lucrative jobs. Earlier in 2024, Flowers had sent a company-wide email criticizing the practice. Flowers did not mention Hector in that email, but Hector responded with a taunting post on Instagram.

Hector’s harassment of Flowers escalated in an alarming way on Dec. 10, 2024. The following timeline captures the Dec. 10 incident and Mercedes’ flawed investigation and response.

Dec. 10, 2024— Flowers and Hector are working in their mechanic bays, which are close to one another. Hector has a number of cars backed up by his bay, and they are blocking Flowers from accessing vehicles. Flowers moves several of Hector’s backed up cars. Hector objects, gets increasingly angry and calls Flowers, who is African American, the n-word. Hector charges at Flowers several times and managers have to physically restrain Hector from attacking him. Flowers files a police report about the incident and seeks a restraining order against Hector.

Dec. 12, 2024— Mercedes HR officials collect a number of witness statements. Except for a statement from Flowers, they are virtually all from managers or union opponents. Though

the statements attempt to blame both parties, all of the statements confirm that only Hector was being physically threatening.

Several of the managers’ witness statements are written in a way that suggests they were crafted to further a narrative biased against Flowers. An emailed statement from a foreman to HR includes two paragraphs that are in a distinctly different font size from the rest of the email. Underneath those two paragraphs, the foreman asks, “Will this be ok?”¹⁴¹

Dec. 16, 2024— Mercedes disciplines Flowers, giving him a “final warning” over the incident and exposing him to termination for future infractions. (In time, Mercedes will find a way to use that “final warning” against Flowers.) Hector gets just a two-day suspension and returns to the shop. The supposed “zero tolerance policy” for violence used to fire union supporter Rafael Jaquez is not applied to Hector.

That night, the union files an Unfair Labor Practice (ULP) charge over Flowers’ discipline and UAW Local 259 Vice President Michael DiGiuseppe demands to see the witness statements and video footage of the incident.¹⁴²

Only when DiGiuseppe is later shown that video of the incident does he learn that HR manager Elaine Velez was present at the Dec. 10 incident. Mercedes hadn’t included Velez’s witness statement with the other statements it sent the union. Mercedes says the failure to send it was an oversight, but after the union asked for Velez’s statement, it took Mercedes six weeks to provide it.

In the statement, the HR manager admits, “I heard the N word being used,” and confirms that “[Hector] was trying to charge towards Kevin, but the guys were holding him back.”¹⁴³

Early February 2025— With Mercedes refusing to withdraw the discipline against Flowers, DiGiuseppe files a whistleblower complaint with the Business and People Protection Office (BPO) at the Mercedes-Benz Group. The BPO is a part of the Compliance Management System that “aims to ensure a fair and transparent process” for whistleblowers.¹⁴⁴

The BPO takes a statement from DiGiuseppe, but after that initial interview, the investigation is farmed out to a contract investigator from the global law firm Hogan Lovells.

March 20, 2025—The contract investigator conducts no interviews with DiGiuseppe, Flowers or any other union supporter at Mercedes. Roughly six weeks after DiGiuseppe filed the whistleblower complaint—and with no sign of any further investigation—the contract investigator forwards him a message from the Mercedes BPO official.¹⁴⁵

In a cryptic message, the BPO official says, “we have forwarded the information to the local Legal Department and closed the report. As we can gather from the report, there is currently a legal proceeding in this matter, in which the external attorney has assured full cooperation from the company.”

The BPO official’s brief message is deeply troubling. The current “legal proceeding” is the union’s case against Mercedes for wrongly disciplining Flowers—and the company is not cooperating in the case, it is actively fighting Flowers and the union. Finally, the external attorney “[who] has assured full cooperation from the company” is almost certainly an attorney from Fox Rothschild—the “union avoidance” firm that has been fighting the union in this case and on many other fronts.

March 21, 2025—DiGiuseppe emails the contract investigator to stress that the “outside attorney is obstructing” the investigation.¹⁴⁶ The contract investigator responds: “Noted, Mr. DiGiuseppe. I will make sure to relay your message to Mercedes Benz.”¹⁴⁷ Despite the obvious need for further investigation, that was the end of the BPO’s whistleblower probe.

The Firing of Kevin Flowers

Given the relentless targeting of Kevin Flowers, it seemed inevitable that managers at Mercedes-Benz of Manhattan would find some pretext to fire him. Late this summer, they finally did.

On Wednesday, Sept. 17, in the early afternoon, a foreman came to Flowers’ work bay and told him that shop manager Ray White wanted to talk to him. He went up to an office and found White waiting there with an official from HR.

“Ray told me we have you no-call no-show for two Saturdays in a row,” Flowers says. A baffling charge, since Flowers doesn’t work Saturdays. “I didn’t work Saturdays this whole year. They know that. Nobody said anything to me about working those Saturdays.”

If Mercedes had really been concerned about Flowers’ attendance on a Saturday, why didn’t they tell him after the first Saturday that he’d missed a shift? Why did they wait until the middle of the week after the second Saturday to break the news?

Flowers could see quickly where the meeting was going to go. “Ray told me, we gotta part ways. I asked, what does that mean? And HR says, we’re firing you. HR said, you’re on a final warning and we have to fire you.” That final warning was from the incident in December 2024, when Flowers had nearly been assaulted but ended up being disciplined himself.

HR then explained that Flowers would be escorted out of the building by security. “They treated me like a criminal,” Flowers says. “The security guard was telling me I’m sorry I have to do this to you. And I said, it’s okay, it’s not personal. This is what they do.”

Even after all that’s been done to Flowers and other union supporters, he still believes most technicians at the dealership still want the union. “They’re just afraid to say so because of what they see Mercedes doing to people,” Flowers says.

The Empty Promise of Mercedes’ Compliance Management System

The Mercedes-Benz Compliance Management System is supposed to protect the company’s 175,000 employees from the retaliation, intimidation, and termination that Kevin Flowers suffered. The company’s Integrity Code says the “Compliance Management System helps us to ensure adherence to laws and policies within Mercedes-Benz.”¹⁴⁸ But the misconduct against Flowers and the BPO’s perfunctory whistleblower probe shows there are serious problems with the Mercedes Compliance Management System.

At Mercedes-Benz of Manhattan—and at MBUSI in Alabama—the company’s laws and policies are being routinely violated, and there is no one ensuring that they are adhered to.

Next Steps in New York City

It has been more than a year since auto technicians at Mercedes-Benz of Manhattan voted overwhelmingly to form a union at their dealership, but their union is in danger of being extinguished.

Here are the next steps Mercedes-Benz must take now in New York City:

- ***Hire a Law Firm Able to Bargain in Good Faith.*** Fox Rothschild, a law firm that highlights its “union avoidance” practice, has no business leading negotiations at a company that says it works with “unions in a spirit of respect and trust.”¹⁴⁹ Mercedes-Benz must fire Fox Rothschild and hire a law firm that can bargain a fair first contract.
- ***Immediately Reinstate Fired Workers & End Harassment of Union Supporters.*** It may take years for wrongfully fired Mercedes-Benz workers like Rafael Jaquez and Kevin Flowers to win justice in America’s broken labor law system. Mercedes’ Principles say that when a Controlled Group company outside of Germany confronts local laws that are inferior to the company’s rules, that subsidiary should “find a provision that comes closest to the intent of these Principles.”¹⁵⁰ Mercedes-Benz of Manhattan must abide by its Principles and immediately reinstate unfairly fired workers and end harassment of union supporters.
- ***Fulfill the Mercedes Principles, Negotiate a Fair First Contract.*** The Mercedes-Benz Group says, “we acknowledge the right of our employees to form employees’ representative bodies, to collective bargaining for the regulation of working conditions and their right to strike.”¹⁵¹ As a Controlled Group company, Mercedes-Benz of Manhattan must move expeditiously to put those words into practice and settle a fair first contract. ■

SECTION 6

Broader Implications

If a supposedly ethical corporation like Mercedes-Benz can trample workers' rights, what impact will that have on labor rights and corporate accountability in the U.S and around the world? This section looks at two possible outcomes at Mercedes in the United States – continued attacks on workers or respect for their freedom of association – and the repercussions each would have.

Impact on Global Labor Rights

The NLRB has determined that Mercedes-Benz broke U.S. labor law during its anti-union campaign against MBUSI workers in Alabama.¹⁵² An analysis of the company's conduct in Alabama finds that it also violated international labor law.

When the UAW filed charges against Mercedes-Benz in the United States, it also brought charges against the company in Germany for violating the country's law on global supply chain practices.¹⁵³ That law, the Supply Chain Due Diligence Act (SCDDA), sets standards for global supply chains that large German-based firms must adhere to, and it clearly prohibits companies from violating workers' rights to form unions.

In order to bolster its case under the SCDDA, the UAW asked Jeffrey Vogt, an attorney with expertise in international labor law, to conduct an analysis of the charges against Mercedes.¹⁵⁴ Vogt, a member of the International Labor Organization's (ILO) Governing Body, argued that MBUSI violated multiple ILO standards with its conduct, including:

- *Unlawful Discipline of Union Supporters*
- *Interference with Union Advocacy in Non-Work Areas*
- *Employer Suggesting Futility in Unionizing*

Although Vogt's findings aren't legally binding, they do underscore the gravity of Mercedes-Benz's misconduct in Alabama.

Raising Standards or a Race to the Bottom?

As of November 2025, the German government had not ruled on the UAW's charges against Mercedes-Benz under the SCDDA. The Act was passed under a previous German government so it is possible the charges will continue to languish. But **a failure to enforce the SCDDA wouldn't just harm the 5,000 Mercedes workers in Alabama, it would threaten the well-being of the 114,000 Mercedes workers in Germany as well.**¹⁵⁵

Increasingly, it seems that there are two paths forward for the global economy. Follow the lead of German workers, who have won robust protections that lift up wages and

safeguard working conditions. Or accept the economic model peddled by U.S. elites, who have crushed unions and given corporations free rein to supercharge profits at the expense of workers.

In its public statements, the Mercedes-Benz Group seems committed to the high-minded German model. “We are dedicated to achieving a fair balance between the economic interests of the company and the interests of employees,” Mercedes says in its Integrity Code.¹⁵⁶

In its actions in Alabama, Mercedes-Benz has sided with American elites who would destroy the German model. Mercedes-Benz must live up to its Integrity Code and seek a fair balance for workers in America, Germany, and around the world.

Message Sent to Other Multinationals & U.S. Employers

In Alabama, Mercedes-Benz has benefited from an economic model that gives much deference to the interests of corporations and little consideration to the rights of workers.

Mercedes-Benz was lured to Alabama in 1993 with a massive subsidy package from the state and it has continued to be showered with government funds. Alabama alone has given Mercedes over \$450 million. **The state subsidies Mercedes has received include:**

- **\$238 million in 1993** to bring the company to Alabama.¹⁵⁷
- **\$119.3 million in 2000** to expand the Tuscaloosa plant.¹⁵⁸
- **\$100 million in 2009** to relocate production of sedans from Germany to Alabama.¹⁵⁹

That initial \$238 million subsidy package was considered so extreme that it helped sink the re-election campaign of then-Alabama Gov. Jim Folsom Jr.¹⁶⁰ Before long, however, the corporate handout Mercedes wrangled would be considered routine.

Mercedes helped send the message that public officials in the South, and everywhere else, must placate corporations with massive subsidies or they will take their

business elsewhere.¹⁶¹ Mercedes sent an even stronger and more disturbing message during the 2024 union election at MBUSI.

Sacrificing Workers to Enrich Corporations

Vicious union-busting campaigns are nothing new in the South. But Mercedes-Benz, with its decorous talk of social responsibility, used to be a little more discreet.

A historian who wrote about early efforts to organize a union at MBUSI called the company’s anti-union stance back then “negative neutrality.”¹⁶² As in, the company didn’t go all out to oppose workers, but executives let workers know they would prefer not to have a union.

MBUSI executives stopped pretending they were neutral in any way during the 2024 union election. They launched a union-busting campaign so ferocious that the NLRB is now prosecuting Mercedes for multiple violations of U.S. labor law.

The aggression of Mercedes’ anti-union campaigns in Alabama and New York let other corporations know that even a supposedly principled employer is willing to break the law. The unmistakable message: Corporations must be given the freedom to maximize their profits and workers must be denied the power to stop them.

Stakes for the Labor Movement in the South

In the spring of 2024, nonunion autoworkers across the South were clamoring to join the UAW. At Mercedes in Alabama, at Volkswagen in Tennessee, and at dozens more nonunion plants, workers saw what UAW members won at the Big Three and were signing up by the thousands.¹⁶³

The political elite of the South sprang into action to stop them. Alabama Gov. Kay Ivey pulled together the governors of Georgia, Mississippi, South Carolina, Tennessee, and Texas, and issued a joint letter denouncing unions and defending their economic model.

“The reality is companies have choices when it comes to where to invest and bring jobs and opportunity,” the six Southern governors wrote. “We have worked tirelessly

on behalf of our constituents to bring good-paying jobs to our states. These jobs have become part of the fabric of the automotive manufacturing industry. Unionization would certainly put our states' jobs in jeopardy."¹⁶⁴

The Southern elite may stand in lockstep against unions, but ordinary Southerners do not. Polling of Alabama residents a month before the union election at Mercedes found that they supported the Mercedes workers' organizing campaign by more than 2-to-1.¹⁶⁵

Every day, Southern workers see that the "good-paying jobs" touted by their governors aren't creating the prosperity that was promised. A 2023 study shows that Alabama's autoworkers earn significantly lower pay when adjusted for inflation than they did 20 years ago. Their pay is also below the national average for autoworkers across the country.¹⁶⁶

Ending the Alabama Discount

Workers at MBUSI have a name for the problem facing Alabama factory workers: "The Alabama Discount."

Corporations keep their compensation below that of union workers outside the South and then sock away the difference. It's an economic model that's been lucrative for corporations, but disastrous for workers.

It's not just workers in Alabama who've been hurt. Workers in Germany were hurt when Mercedes secured the \$100-million-dollar state subsidy that transferred production of sedans to Alabama.¹⁶⁷ Plus, sustainable business strategy the threat of further job loss continues to put downward pressure on the wages of German workers.

How can that pressure be reversed? By giving MBUSI workers the power to negotiate their fair share of the profits they make.

When MBUSI workers have the support they need to win their union, they will have the power to end the Alabama Discount. ■

SECTION 7

Conclusion & Recommendations

Mercedes-Benz executives tell a charming story about why the German company built its first overseas plant in rural Alabama.

Executives from Mercedes were scouting locations outside Tuscaloosa in 1993 when they stopped in front of a church. “They stepped out of the car and were listening to the bells,” a Mercedes executive said. “They looked at the woods, and it somehow reminded them of the Black Forest.... We felt at home at this moment.”¹⁶⁸

There may be some truth to this MBUSI origin story. But Alabama’s real attraction for Mercedes wasn’t its resemblance to Germany. It was, and is, all the ways it differs.

Nowhere in Alabama is there a Co-determination Act that gives workers real power at Mercedes. Nowhere in Alabama is there a supervisory board to constrain the local CEO’s worst tendencies. And nowhere in Alabama are there laws with the teeth to protect workers from a vicious anti-union campaign.

Back in 1993, a plain-spoken Mercedes executive admitted the real reason the company was siting its new plant in America: “Building the vehicle in the U.S. will offer Mercedes a cost-savings reduction of more than 30 percent as opposed to building the vehicle in Germany or Austria.”¹⁶⁹

The unconstrained pursuit of profit has led Mercedes-Benz to abandon its principles in Alabama and New York. The company’s moral and legal failings have been severe:

- **Lawless Conduct Leading to Federal Prosecution.** The U.S. National Labor Relations Board has determined that MBUSI broke the law and is actively prosecuting Mercedes for multiple violations of workers’ rights.¹⁷⁰
- **Using Racially Divisive Tactics to Undermine Organizing.** Despite pledging to oppose “any form of discrimination or unjustified unequal treatment,” Mercedes targeted black workers at MBUSI in the run up to the May 2024 union election.¹⁷¹
- **Hiring Anti-Union Firms Inimical to Mercedes’ Principles.** Mercedes-Benz insists it “shall remain neutral” during organizing campaigns, but MBUSI executives hired at least five anti-union consulting firms to orchestrate the union-busting campaign against its workers at MBUSI.¹⁷² In New York, the company hired Fox Rothschild — a law firm that specializes in “union avoidance” — to lead its contract talks.¹⁷³
- **Creating a Culture of Impunity, not a Culture of Integrity.** Mercedes-Benz claims to foster a culture of integrity, but MBUSI

executives have repeatedly violated the company's Integrity Code and Principles and appear to have suffered no consequences.

On paper, Mercedes-Benz holds itself to a higher standard than other corporations. In practice, it has fallen far short of that standard in Alabama and New York. The company has grossly violated the rights of its own workers.

Whether in Tuscaloosa or Stuttgart, worker dignity is non-negotiable. It's time for Mercedes-Benz to respect the rights of all its workers.

Recommendations

Mercedes-Benz has taken the low road at MBUSI. Here's what the company must do to get back on track:

- **Comply with U.S. Labor Law.** Mercedes is under prosecution for multiple labor law violations at MBUSI.¹⁷⁴ The company needs to settle those charges by pledging to abide by U.S. law and allow workers to have a free and fair union election.
- **Respect the Right of U.S. Workers to Organize without Retaliation.** Going forward, the company must honor its commitment to remain neutral during organizing campaigns and not use persuaders or anti-union consultants in Alabama. MBUSI must respect the right of Alabama workers to organize without facing coercion or retaliation.
- **Live Up to the Company's Values in Germany and Alabama.** Mercedes executives in Alabama and New York have blatantly violated the Mercedes-Benz Principles and Integrity Code. The company must live up to its Principles in the United States so they aren't undermined in Germany or anywhere else.
- **Fix the Mercedes-Benz Compliance Management System (CMS).** The Compliance Management System at Mercedes-Benz is supposed to protect workers from corporate misconduct. But the intimidation and firing of union supporters in Alabama and New York shows that the CMS is failing Mercedes workers. Here are four paths to fix it:

- **The Audit Committee of the Supervisory Board.** As Mercedes-Benz's 2024 Sustainability Report notes, the Supervisory Board's Audit Committee "discusses the effectiveness and functionality of...the Compliance Management System with the Board of Management at least once a year."¹⁷⁵
- **The Mercedes-Benz Group Sustainability Committee.** This committee meets quarterly and is led by the Board of Management member responsible for Integrity, Governance & Sustainability. Its mission is to manage sustainability issues, which include workers' rights, across all the company's departments, divisions, and regions.¹⁷⁶
- **The Sustainability Competence Office** is part of the Integrity, Governance & Sustainability division. It convenes a Sustainability Coordination Meeting several times a quarter with relevant board departments, and it fosters the development of the company's "sustainable business strategy."¹⁷⁷
- **The Group Risk Management Committee** is responsible for "the continuous remediation and assessment" of the company's risk management system, which includes the Compliance Management System. As the 2024 Sustainability Report notes, "The Supervisory Board is informed about the Group's risk situation at least quarterly. In addition, the Supervisory Board examines at least once a year the...social impacts of the Group's activities." Management retaliation against union supporters is a social impact that must be remediated.¹⁷⁸

If Mercedes executives refuse to take these steps, here's how to get the company on the high road:

- **Subject Mercedes to Robust Congressional Oversight.** More and more politicians from both U.S. parties say they care about the working class. This is their chance to prove it. Hold congressional hearings that shine a light on Mercedes' wrongdoing and insist that Alabama workers receive the same strong protections that Mercedes workers in Germany have won.

- ***Solidarity from German Labor Allies and Works Councils.*** Mercedes workers in the United States will win their union and a contract if they are given a fair shot. In 2024, Volkswagen workers in Chattanooga, Tenn., got crucial support from the European and World Works Council at VW.¹⁷⁹ That helped restrain the company from launching an anti-union attack, and the VW workers in Chattanooga voted by more than 2-to-1 to join the UAW.¹⁸⁰

One week before the 2024 union election at MBUSI, the global union IndustriALL released a statement about the vote. It noted that MBUSI was “the only Mercedes plant in the world without union representation.”¹⁸¹ IndustriALL called on its 50 million members around the world to send support to the workers at MBUSI: “What our Mercedes colleagues in Alabama need now is our solidarity to know that they are not alone.” That call remains just as urgent today. ■

About UAW

With more than 1 million active and retired members in the United States, Canada, and Puerto Rico, **the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW)** is one of North America's largest and most influential labor unions. Its membership is rooted in the auto industry, representing workers at major automotive manufacturers, suppliers, and related sectors. The UAW represents workers at leading global companies, including German automakers and suppliers such as Volkswagen Group of America, Daimler Truck North America, and ZF Group. Beyond auto, the union's reach extends to aerospace, agriculture, public service, the nonprofit sector, and higher education.

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