



# Pennsylvania Conference of Teamsters

Strength in Numbers 95,000

## LEGISLATIVE ACTION ALERT

William Hamilton, President & Eastern PA Legislative Coordinator – Carl Bailey, Secretary-Treasurer & Western PA Legislative Coordinator -Tim O'Neill, Consultant – Dan Grace, Trustee & Legislative Advisor - Tom Kohn, Esq. Legal Advisor - Thomas Felice, Staff

### The Supreme Court case that has unions on edge

Politico © January 2023

**ON THE DOCKET:** The Supreme Court on Tuesday is set to hear oral arguments in a case that is being closely watched by labor unions fearful that the conservative majority could undercut the appeal for workers to strike and sap authority from the National Labor Relations Board.

**At issue is whether employers can sue unions** accused of destroying property as part of a labor dispute in state court, or whether such a lawsuit is preempted by federal labor law.

**The case *Glacier Northwest Inc. v. International Brotherhood of Teamsters*** stems from a 2017 labor dispute in which workers at a Washington concrete company went on strike in protest of contract negotiation delays.

**The company filed a lawsuit in state court against the union that represents the truck drivers involved**, arguing that it should be compensated for the cost of cement that became unusable after workers walked off the job.

**Glacier Northwest argued that the stoppage was intentionally timed to ruin cement**, while the Teamsters said they

were careful to prevent the mix from hardening by returning cement trucks to the property and keeping them running before striking.

**“The right to strike is crucial to the collective-bargaining process** and allows a union to time a strike to apply substantial economic pressure,” the [Teamsters wrote](#) to the Supreme Court.

**Washington’s Supreme Court ruled that Glacier Northwest’s civil lawsuit should be dismissed** because the legality of the strike falls under the NLRB (which later sided with the union). In court filings, businesses and conservative legal groups argue these types of lawsuits are not preempted by federal law and should be allowed to proceed.

**Unions and labor supporters are concerned that doing so would incur substantial legal expenses** and put the economic costs associated with strikes onto the workers, thereby lessening the leverage on employers that discourage employees from utilizing the tactic.

“Who’s going to go on strike when you know that if your strike is successful, you’ll be sued?” Coell University’s Cathy Creighton told Shift.