NLRB Seeks Injunction to End Kellogg Lockout

KENSINGTON, Md. (PRNewswire-USNewswire) — In yet another major development regarding the Kellogg Company's illegal lockout [1] of its Memphis, Tenn. workforce, the five-member National Labor Relations Board (NLRB) headquartered in Washington, D.C. unanimously authorized on April 4th its lawyers to seek an immediate injunction in U.S. Federal Court against the company for its part in the long-running lockout. Workers at the facility are represented by Bakery, Confectionery, Tobacco Workers and Grain Millers (BCTGM) Local 252G.

"This decision comes on the heels of the complaint issued on March 27th by the New Orleans NLRB Region 15 that cited Kellogg [2] for multiple serious violations of federal labor law in regard to this lockout. A trial is set for May 5th," said BCTGM International President David Durkee.

"The Board's action to seek injunctive relief magnifies the depth and severity of these violations and the callous human tragedy brought on by Kellogg's illegally conceived and brutally implemented plan of action. The harm that those violations are causing Kellogg workers have been clearly recognized by the federal government, which is apparent in the NLRB five-member board unanimously seeking this injunctive relief," Durkee stated.

"We were obviously pleased when the NLRB General Counsel issued his opinion on March 27th regarding the NLRB's citing of Kellogg's severe violation of labor law in the Memphis bargaining and its subsequent lockout of 226 families. This epic decision by all five NLRB members not only reinforces last week's decision, but also recognizes that Kellogg's illegal positions and iron-fisted conduct were so destructive to these workers' rights and lives that immediate court relief is required. Such is further vindication of the union's position that this tragic display of misguided corporate profiteering has unnecessarily cost these workers and their families their health, homes, cars, children's educational opportunities, relationships, life savings and future credit worthiness.

"Kellogg's repeated statements that it wants its employees back at work as soon as possible are the worst kind of corporate hypocrisy. Kellogg locked out its workers illegally; workers did not strike. And Kellogg's 'offer' to let them come back to work has always been conditioned on its demand that the workers approve illegal proposals.

"The union has said — repeatedly — that it will bargain with the company over all lawful subjects for a new Memphis contract just as soon as Kellogg opens the gates to the plant and brings its employees back to work. But we will not negotiate with the gun of unlawful conduct to our head. The NLRB, through this rare and powerful action at the highest level, now seeks an immediate end to this unnecessary carnage through injunctive relief. We applaud the NLRB decision," Durkee concluded.

While the Board is authorized by statute to seek injunctions against employer and union violations of the law, it is authority that Boards — with both Democrat and Republican majorities — have used sparingly. Out of the tens of thousands of unfair labor practice charges filed in 2013, the Board sought pre-trial injunctions in only 40 cases.

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