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## NLRB fights Kellogg's lockout of Memphis workers



By Mark Gruenberg

**N**ational Labor Relations Board General Counsel Richard Griffin is heading for federal court to stop the Kellogg cereal company's long lockout of its unionized workers in its Memphis, Tenn., plant. No court date is set yet.

The Bakery, Confectionery and Tobacco Workers and Grain Millers (BCTGM), who represent the Memphis workers, said the NLRB voted 5-0 to have Griffin seek an injunction ordering Kellogg's to stop the lockout and take the workers back. Such injunctions are rare, especially before the NLRB actually hears the case after the dispute makes its way to Washington from local offices.

The board's decision to head for court "recognizes Kellogg's illegal positions and iron-fisted conduct were so destructive to these workers' rights and lives that immediate court relief is required," said BCGTM President David Durkee.

In a dispute that, for civil rights groups, carries echoes of the 1968 sanitation workers' struggle that drew the late Dr. Martin Luther King Jr., to Memphis, Kellogg's locked its 226 mostly minority workers out of the plant months ago.

The NLRB approved the court case filing on April 4, the anniversary of King's assassination. It's separate from the NLRB's administrative law judge's hearing on Kellogg's overall labor law-

breaking in bargaining and in imposing the lockout of Local 252-G. That hearing will be May 5 in Memphis. Kellogg's locked out the workers after demanding they cut their pay, yield to outsourcing and give up medical coverage.

"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," Durkee said. "The

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harm those violations are causing Kellogg workers has been clearly recognized by the federal government, which is apparent in the NLRB 5-member board unanimously seeking this injunctive relief."

Griffin, the NLRB's top enforcement officer and former general counsel for the Operating En-

**Over 200 mostly minority workers were locked out of the plant.**

gineers, asked for the May 5 hearing because his office believes Kellogg's is in "severe violation" of labor law in the lockout.

"The NLRB complaint alleges Kellogg violated the NLRA by insisting to impasse on bargaining proposals that would constitute midterm modifications to the wage and benefit provisions of the master agreement between Kellogg and the union, by locking out Memphis unit employees in furtherance of its bad-faith bargaining position, and by failing to provide requested information that would assist the union in its representational capacity and in assessing Kellogg's bargaining proposals," an NLRB announcement of that hearing said. Labor law orders an employer to bargain in good faith, adding that when it wants to change a contract mid-term, it must reach agreement with the union, first. In Memphis, Griffin said, Kellogg's didn't do so. "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," Durkee said. "And Kel-

logg's 'offer' to let them come back to work has always been conditioned on its demand that workers approve illegal proposals.

"The union has said – repeatedly – that it will bargain over all lawful subjects for a new Memphis contract as soon as Kellogg's opens the gates and brings its employees back. But we will not negotiate with the gun of unlawful conduct to our heads."

Griffin also acted in another long-running case of labor law-breaking: T-Mobile's rampant unfair labor practices against the Communications Workers.

The union has been trying to organize T-Mobile workers for a decade, and has an alliance with ver.di, the union that represents workers at T-Mobile's German parent company, Deutsche Telekom, to pressure DT to have its U.S. managers follow international labor rights and not break U.S. labor law.



**Mark Gruenberg edits Press Associates Inc.**

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## **Obama orders stronger federal equal pay rules**

By PW Editorial

**P**resident Obama issued an executive order last week preventing federal contractors and the government itself from retaliating against workers who inquire about or give away information regarding the employer's wage policies. The president signed the order in a dramatic White House ceremony as Lilly Ledbetter stood beside him watching.

The ceremony marked Equal Pay Day, the day that marks how long a woman must work into 2014 to earn the same as a man did in 2013.

A day later, the GOP shamelessly blocked the bill.

The Paycheck Fairness Act would allow all workers to talk to one another about wages so they could, for example, decide whether there is a wage differential for men and women performing the same tasks.

President Obama's executive order will also require that federal contractors provide the De-

partment of Labor with data regarding workers' pay and facts regarding their race and gender.

"Women make up half the workforce so this is an issue of justice for all workers," the President said. "Paying women less means less money for the family, less money for childcare, less money for gas, less money for retirement and less money for all the things families need to survive."

This latest presidential executive order on wages comes only two months after the last such order the president issued - a February executive order requiring federal contractors to pay a minimum wage of \$10.10 per hour. In that case too the president was jumping the gun on a bill in Congress that would do the same thing for all workers across the country.

The president did the right thing. The GOP response shows once again just how important it is to defeat their majority in November. Progress on all front depends on it.

**The GOP defeat of the Paycheck Fairness Act shows just how important it is to defeat their majority in November.**

# Immigrant families demand an end to deportations

By John Bachtell

**A**s the America Needs a Raise bus pulled into Portland for its second stop on a ten state tour, Mayor Michael Brennan stood at City Hall, flanked by local business owner Anne Rand and minimum wage earner Tabitha Weyland, to welcome the effort.

Fed up with seeing loved ones deported and families and communities broken up, 11 undocumented immigrants and their supporters were arrested after blocking an intersection near the Broadview Detention Center on Apr. 8.

The action capped a two-day walk by 100 marchers from the Chicago Immigration and Customs Enforcement (ICE) office to Broadview, a 13-mile trek. They were warmly welcomed at churches and community centers along the way.

The protest was part of a #notimore national day of actions across the country demanding President Obama use his executive powers to grant administrative relief and end deportations by broadening deferments beyond the undocumented youth now covered by his previous executive action.

Immigration groups are united nationally in their belief that Obama can do more to stop the deportations. Two million undocumented immigrants have now been deported under his administration.

“We believe we can stop the deportations with the unity, strength and determination of our community,” said Rosi Carrasco of Organized Communities Against Deportations.

Carrasco said she was inspired by the actions of undocumented youth, including her own daughters to fight against unjust laws.

“It’s not enough to say you want to change something, you have to act accordingly,” she said. “President Obama can use his executive authority to prevent the private detention centers from profiting off of human suffering.”

Civil disobedience and hunger strikes have



been stepped up because 1,100 immigrants continue to be deported daily and immigration reform activists and immigrant families are tired of both Congressional obstruction and Obama’s inaction.

Carolina Rivera and her three American-born children participated in the march. Rivera’s husband was arrested on a minor charge and detained for three months. Even though the charges were eventually dropped, he was still deported after a three-year battle in August 2011.

“He has been gone for three years. These have been very difficult years for my children and me,” said Rivera. “My family, our families are suffering. It doesn’t have to be that way.”

“We are tired of the political football game that has been going on for years,” said Gaby Benitez of the Latino Union, whose father was deported four years ago. “Those directly effected are taking the lead. We are saying we are undocumented, unafraid, and taking action to keep our families together.”

Benitez said private companies like Corrections Corporation of America run prison facilities like the Broadview Detention Center. They hold two thirds of the immigrants being held for deportation and under federal law these corporations are mandated to hold 34,000 immigrants each day at \$120 per bed.

**Groups are demanding President Obama use his executive powers to end deportations.**

## Labor says “NO” to music outsourcing

By Eric A. Gordon

**T**imed one day ahead of the April 11th official release date for the new film *Draft Day*, starring Kevin Costner, Jennifer Garner, and Frank Langella, a spirited demonstration took place in the Westwood neighborhood of Los Angeles, to protest the treatment of American studio musicians.

What’s the issue? These days, just about the first question any film producer asks is, “Where can I get the best tax credits?” Los Angeles, home of the Hollywood film industry, has suffered the loss of production for many years, as movies get lured by tax incentives and lower labor costs to film in Canada, Europe, and other faraway locations.

Lionsgate Entertainment, creators of *Draft Day*, for example, received \$4.9 million in tax credits from Ohio taxpayers to film in that state. Actors and stage workers were apparently treated well and fairly. But post-production, when the film is scored, i.e., the soundtrack is recorded, Lionsgate did not hire American Federation of Musicians (AFM) professionals. Not in Ohio, not even in the United States. Instead, they hired an orchestra in Macedonia!

As Glen Arnodo, chief of staff for the Los Angeles County Federation of Labor, said, “Some people think music drops from heaven. But it doesn’t. It takes talented union musicians to make music. When you take taxpayer money from Americans you sign up to be a member of the team.”

## Años de negociaciones culminan en acuerdo laboral

Por Erick Sanchez y Kevin Brown

**I**ntensas sesiones de negociación en el 22 y 23 de marzo en Oakland, California, entre el Local 3299 de AFSCME y la Universidad de California (UC) culminaron en un acuerdo contractual tentativo y lograron evitar una huelga de cinco días.

El acuerdo por los próximos cuatro años cubre a 13,000 trabajadores técnicos y de atención al paciente e incluye aumentos salariales, beneficios y protecciones para el personal, entre otras cosas, objetivos que miembros del Local 3299 buscaban desde hace casi dos años.

Al lograr este acuerdo (que, una vez ratificado, reemplazará los términos contractuales ilegalmente impuestos el verano pasado) la Universidad también retiró sus demandas de obtener nuevos poderes de despido sobre el personal, un tema controversial que generó múltiples quejas incluso por parte del órgano estatal que regula las relaciones con los empleados públicos, el “Public Employment Relations Board”.

“Este fin de semana, la universidad regresó a la mesa de negociación con un espíritu de buena fe, y fue posible no solo evitar una huelga sino llegar a un acuerdo contractual tentativo que 13,000 trabajadores de la universidad han buscado desde hace casi dos años”, afirmó la Presidenta Kathryn Lybarger del Local 3299 de AFSCME, quien es también Vicepresidenta Internacional. “Este acuerdo refleja el compromiso de los dos lados, mejora la seguridad de los hospi-

tales de UC, y honra las importantes contribuciones que los trabajadores hacen al sistema de salud de UC todos los días. Nuestros miembros están ansiosos por ratificar este acuerdo, regresar al trabajo y hacer lo que mejor hacen, que es servir a nuestros pacientes”. Esta victoria fue posible gracias a que los trabajadores y trabajadoras se rehusaron a abandonar sus derechos en el trabajo. Estuvieron unidos por 20 meses, siempre guiados por su compromiso con sus familias, sus pacientes y ellos mismos.

“Los tiempos actuales demandan que nos movilizemos”, afirmó el Presidente de AFSCME Lee Saunders. “La gente que odia a los sindicatos está promoviendo malas ideas como nunca antes”.

“Somos la última línea de defensa para las familias trabajadoras”, afirmó el Presidente Saunders. “Los hermanos Koch y los Scott Walkers y Rush Limbaughs saben esto muy bien y no so Dos años de negociaciones culminan en acuerdo laboral lamente están intentando lastimarnos, sino están intentando eliminarlos”.

Cuando las cosas se dificultan AFSCME se organiza. A mitad de la lucha contra las fuerzas de la extrema derecha, nos estamos organizando como nunca antes con una campaña para hacer crecer a nuestra unión 50,000 veces más: queremos inscribir a 50,000 nuevos miembros antes del verano. Somos más fuertes cuando luchamos juntos. Con una voz unida podemos proteger nuestros salarios y condiciones laborales.

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