

# Kroger workers denounce court injunction against King Soopers strikers

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The Denver District Court issued a temporary restraining order against striking workers at the King Soopers supermarket chain this week. The injunction against the strike is the latest escalation by the company to try and break the strike and enforce concessions on the 8,400 workers striking in the Denver Metro area.

The granting of the temporary injunction limits the number of picketers who may be on company property to 10 and presents severe legal challenges for any strikers accused of breaching the terms of the restraining order. The court will also conduct a second round of hearings soon to determine if the evidence presented by King Soopers is adequate for the passage of a permanent injunction against the strikers.

Included in the restraining order motion were dozens of unproven allegations against striking workers, accusing them of conducting acts of violence and harassment against customers and workers.

Many of the allegations border on the comical. One alleged incident states that workers “huddled in front of the store” and that “approximately half of the approaching customers turned around and walked away.” No evidence is provided that workers forced customers to turn away, only that customers ultimately did not enter the store. Another alleges that a grand total of “three customers” complained that strikers “played very loud music from a boombox.”

Most of the alleged incidents follow along the same formula. Workers “massed” and “circled” around entrances, “aggressively” “impeding” the entry and exit of shoppers. Workers also allegedly encouraged shoppers to go to other stores and “spread misinformation” that the store was closed.

Strikers are also alleged to have committed the heinous crime of shouting “support us!” as customers entered the store.

Cynically, the company used alleged incidents of violence *against* the picketers themselves as evidence that a restraining order was necessary, including an incident where pickets were shot with a BB gun and another where a customer brandished a real gun at striking workers.

The company’s feigned concern for safety is a transparent lie. King Soopers has allowed thousands of its employees to become infected with COVID-19 and several have died from it.

The company’s obvious intention is laid out in its claim that picketers’ actions will cost the company money. The filing states that unless the court rules in the company’s favor it will “continue to suffer irreparable harm, injury, loss, and damage of such amount and nature as is incapable of ascertainment in money damages, but is in excess of several thousand dollars per day, and such loss will increase each day that Defendants’ illegal acts continue.”

This is the true intention of the company. It is aware that the pickets are working and that it will continue to lose money throughout the strike.

However, as King Soopers accounts for only 3 percent of annual revenue for its parent company Kroger, the more fundamental purpose of this intervention is to try to break the strike before it encourages resistance from hundreds of thousands of other grocery store workers throughout the United States.

Amy, a striking department manager, spoke to the WSWWS about the injunction.

“Honestly it’s been rough. We could only have a max of 10 people on the property, so we couldn’t have hardly anyone sheltering under the overhangs during the 20 degree weather with snow, we just had to keep moving and put hand warmers all over ourselves.

“Also, none of us could park on the property anymore which is difficult in the neighborhood I’m in. They’re obviously trying to break us down and demoralize us now, since insisting that their last contract proposal is their ‘best and final offer’ didn’t work.

“Most of it is just customer complaints which aren’t usually backed up by any evidence. Also some ‘incidents’ included were customers threatening picketers with violence, insulting us and calling us slurs, and literally shooting us with BB guns. But apparently they thought that was important to include in their request for a restraining order against us.

“On the plus side, yesterday was one of the coldest days so far and a lot of folks showed up to help us out. People brought us hot cocoa, soup, tons of handwarmers, and we got asked over and over if there was anything else we needed and what folks could do to help out. And now we also know that our communities are not just supportive, but legitimately angry that the company is treating us this way. All day, folks would stop by and talk to us about how corrupt Kroger is, the awful experiences they’ve had working with them, and how glad they are that the company is finally having to witness just how fed up we all are.”

Jim, a Kroger worker from the Seattle area, spoke with the WSWs in response to the court action by King Soopers.

“Utilizing the court system by a multi-billion corporation is a tactic. One the [United Food and Commercial Workers] is ill-prepared to fight against. They will keep going and use constantly increasing measures to break the line. Secondly, the decisions of union officials aren’t enjoined by things like votes. They see votes as a ‘recommendation’ from members. This is made clear by the numerous times locals have voted for a strike only to be told no by their own representation. All in all this isn’t a level playing field. This is a street fight between David and Goliath.

“You have to understand that companies like Kroger are more of a human body. When one part of it gets injured, the rest of it works harder to compensate and repair the damage. So a small area going on strike doesn’t really hurt the company as a whole. They have lists of volunteers or will just draft salaried management from other areas/divisions to compensate for the labor. Kroger pays for flights, rental cars, hotels, food, etc. while they are covering. Don’t let the readers

be confused about who is actually running the decisions here. King Soopers can’t take a piss without the Kroger home office giving approval. So the fight isn’t with King Soopers, they are just a middle man. It’s with [Kroger CEO] Rodney [McMullen] himself.”

The United Food and Commercial Workers (UFCW) continues to isolate the strike to the Denver area. Despite the near unanimous vote by King Soopers workers in Colorado Springs to join the strike, the union has kept them on the job for over a week without explanation. Additionally, Safeway workers in Denver saw their contract expire on January 8 but continue to work as the union pursues negotiations with the company.

“As one entity, UFCW has over a million members right? It’s more likely entwined with laws to be honest, but if Kroger is a body why wouldn’t we force it with a system wide shutdown,” said Jim. They can eat the 3 percent [King Soopers share of Kroger’s total sales] financial bleed indefinitely. The other divisions would more than compensate for the loss. In certain areas with certain stores that’s actually the plan because it means more to siphon the business away from competitors than to turn a profit.

“Same analogy on a smaller scale. The system will compensate. Shut the body completely down and it will have to change how it operates to survive. Like putting someone in a coma. If every union employee walks at the same time Kroger will be forced to change. The system won’t have enough resources to cover the damage. It shuts down immediately. Kroger bleeds profits overnight. They break immediately and they would be begging for us to come back. Offering everything from increased wages, benefits, profit sharing... the sky’s the limit. And it would only take once. To quote Orson Scott Card in *Ender’s Game*, ‘I have to win this now, and for all time, or I’ll fight it every day and it will get worse and worse.’”



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