

# National Labor Relations Board orders United Mine Workers of America to pay \$13.3 million to Warrior Met for lost profits incurred during strike

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The National Labor Relations Board (NLRB) has ordered the United Mine Workers of America to pay Warrior Met Coal \$13.3 million for expenses incurred by the company over the course of the more than year-long miners' strike in Brookwood, Alabama. In addition, the union must also pay \$300,000 to "individuals" affiliated with Warrior Met for vehicular damages.

The *World Socialist Web Site* condemns this reactionary decision, and calls on workers everywhere to mobilize to oppose it and demand its reversal. The aim of the ruling is to make an example of the striking miners and criminalize strike action.

The price of metallurgical coal dropped precipitously last month, which no doubt played into the NLRB's decision in Warrior Met's favor. Last year, though, as prices per short ton soared worldwide, President Cecil Roberts of the UMWA refused to press the advantage by calling out other union mines, including those adjacent to Warrior Met. This allowed Warrior Met to finish the year with the highest profits it had seen in two years—in the middle of a protracted strike.

In its July 22 ruling, the NLRB stated that the picketing miners must repay Warrior Met for increased security costs, repair costs, and loss of revenue from the idled mines. Roberts denounced the ruling as "outrageous" and stated that the union would not pay a penny of the fines.

"Is it now the policy of the federal government that unions be required to pay a company's losses as a consequence of their members exercising their rights as

working people?" Roberts said in a statement. "This is outrageous and effectively negates workers' right to strike. It cannot stand."

While it is absolutely true that this ruling is an attack on workers' right to strike, Roberts' indignation, like most of his public antics, is a charade. NLRB Press Secretary Kayla Blado said in a statement that the NLRB had approved an agreement predicated upon the union's promise to repay Warrior Met for "strike misconduct." Blado told the press that the NLRB is simply now assessing those costs.

"If there is not agreement with the region's ultimate conclusion, the region will commence a proceeding before an administrative law judge where the parties can present arguments and evidence about what each considers to be appropriate damages," Blado stated.

To the extent that there is any real content behind Robert's denunciation of the ruling, it is the fact that the ruling will take a huge chunk out of the UMWA's \$180 million in assets. This sum of money is financed by workers' dues money, but used by Roberts and the bureaucracy to finance their own exorbitant, six-figure salaries. Meanwhile, the Warrior Met strikers have been left to subsist on only \$300 in strike pay.

The first significant miners' strike in a quarter century began on April 1, 2021, when 1,100 miners rejected the UMWA's tentative agreement with Warrior Met. The agreement did not fundamentally alter the terms of the hated 2016 contract, which cut miners' wages by as much as six dollars per hour while increasing their out-of-pocket health expenditures. In addition, they were forced to work between six and seven days a week under a draconian four-strike attendance policy.

The union had told them in 2016 that their choices were to either accept the contract or lose their jobs; they would recoup their losses, the UMWA vowed, when the contract came up for renewal in five years. When the union handed them a contract that only increased their wages by \$1.50 an hour over five years, with bonuses tied to production, only 46 miners voted against striking.

Since then, miners have picketed under increasingly hostile conditions which recall the bitter struggles by coal miners a century ago. Scabs and company administrators have struck pickets and their wives with their cars, putting at least one miner in the hospital. Multiple videos show clear instances of vehicular assault in plain view of the Alabama State Troopers tasked with keeping the pickets safe; in one video, a state trooper tells outraged pickets “I didn’t see anything” after watching a scab veer onto the shoulder of the road to strike a miner’s wife.

Last August, after reviewing these videos, the NLRB dismissed all charges related to vehicular assault, claiming that there was “insufficient evidence that any pickets were struck.” Earlier this year, a miner told the WSWS that Warrior Met had denied the miners’ unused paid time off and vacation days. He brought this up to union leadership, only to be told to take it up individually with the NLRB—the organization that had already ruled against both miners and objective truth.

The scope of the strike has been limited by one injunction after another; pickets are not allowed within 500 feet of mine entrances. They are allowed to picket only in front of corporate headquarters. Miners must park their vehicles over a mile away from the line. They ride to the line in buses by the handful and strike for a few hours until the next handful is bused in to take their place. They are told that this last measure is for their protection—were that true, it would be the singular instance of the state’s consideration for miners’ safety.

In March, an explosion at a natural gas line owned by Warrior Met signaled a dangerous new stage of the hostilities. Although Alabama’s mines and natural gas lines are notoriously run-down and poorly monitored, the explosion immediately drew federal law enforcement and Alabama state government into close cooperation with Warrior Met. The Federal Bureau of Investigation directed all press inquiries concerning the explosion to Warrior Met, who framed it as an act of sabotage and offered a reward for information in connection to the explosion.

In the face of these attacks, the UMWA bureaucracy has sought to direct miners’ attention towards pointless

appeals to the company and the government. It sent miners to Manhattan on fruitless protests against BlackRock, which owns the majority of Warrior Met’s stock and benefits directly from the miners’ mistreatment. It has told miners to appeal to the Alabama justice system that has handed down one injunction after another in Warrior Met’s favor. Larry Spencer, UMWA Vice President who launched a violent assault against a group of young socialists at a rally whom he mistakenly believed to be with the *World Socialist Web Site*, went to Montgomery, Alabama to grovel to the Alabama Law Enforcement Agency, which refuses to intervene in attacks against miners. He appealed to Governor Kay Ivey, whose policies attack workers on multiple fronts.

In February, at a Senate Finance Committee Hearing on Private Equity, Roberts meekly asked extreme-right Alabama Senator and Trump supporter Tommy Tuberville to visit with the striking miners and consider their plight. Tuberville, who had posed for photos with January 6 coup plotters just prior to their attack on the capital, predictably snapped back with nonsense about “getting [Alabamians] back to work.”

The NLRB announced its latest decision in favor of Warrior Met only six days after the Biden Administration announced the appointment of a Presidential Emergency Board to intervene in a national contract dispute in the railroad industry. The move, which illegalized in advance a strike which railroaders voted 99.5 percent to authorize, was openly campaigned for by the railroad unions.

Like the rest of the AFL-CIO, the UMWA functions as an adjunct of the Democratic Party and the government as a whole. Biden has prepared a spot for the UMWA on his “Transition from Coal” scheme, which will serve to maintain the financial interests of the UMWA while former miners are sent into poorly paid careers after their mines are shut down.

This shows that the NLRB fine cannot be opposed through a fight by the bureaucracy, which is joined at the hip with the pro-corporate two-party system and relies upon it for institutional support. Instead, what is required is a movement of the rank and file in defense of the right to strike, independent of and in opposition to the union bureaucracy.



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