

King Soopers files lawsuits attacking right to strike against 10,000 workers

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Colorado grocery chain King Soopers, which is owned by Kroger, has filed two lawsuits against striking workers. Roughly 10,000 workers from the Boulder, Denver and Pueblo areas launched a two-week strike on February 6.

On February 7, King Soopers filed a lawsuit against the union, United Food and Commercial Workers (UFCW) Local 7, alleging that the union was unlawfully engaged in efforts with out-of-state organizations to coerce the company into negotiating agreements with them.

The company claims that the union is colluding with “out-of-state special interests” and that it is “forcing the Company to bargain with labor unions from Washington and California.” The lawsuit names “Teamsters Local 38 based in Everett, Washington; UFCW Local 3000, based in Des Moines, Washington; UFCW Local 770, based in Los Angeles, California; and UFCW Local 324, based in Buena Park, California.”

King Soopers argues that the named unions are engaged in an effort to “force multi-union negotiations” and claimed that the presence of representatives from UFCW 3000 at contract negotiations was an attempt to force King Soopers to bargain with other unions.

As evidence the company cites a statement from UFCW 3000 in October stating “We’re gearing up for a fight in 2025. Our UFCW 3000 and Teamsters 38 Bargaining Team members met on October 22 to begin reviewing our coordinated plan of action and proposals from our united coalition. On the same day, our union’s President, Faye Guenther joined UFCW local 7 at their bargaining table in Denver. . . . The Colorado 10-day ULP strike by UFCW local 7 in 2022 helped pave the way for our contract negotiations that same

year and the most significant wage increase we’ve ever seen. Together, united, UFCW 3000, UFCW local 7, and Teamsters local 39 will coordinate proposals and actions to show Kroger and Albertsons that again in 2025, **when we stand together, we win.**” [emphasis in original]

The focus of the company on the word “coordinate” is significant. Management is attempting to present a legal basis for the restriction of workers to organize and coordinate labor action across geographic and craft boundaries. While the lawsuit focuses on the words of union leaders, it is likely that any court ruling would apply to all workers, regardless if they are unionized or if they take action to organize independently of their union bureaucracies.

As part of the lawsuit King Soopers demands that the unions pay for “all costs, expenses, and damages sustained ... as a result of Defendant’s unlawful conduct.”

The lawsuit is a sham through and through. There is nothing illegal about organizing and carrying out coordinated activity across state boundaries and establishing national wage and benefit standards. The “out-of-state” unions are locals of the UFCW as a national organization, with the company failing to show how an organization coordinating with itself constitutes unlawful activity.

The UFCW has called the lawsuit “frivolous” but there is a deeper consequence to the lawsuit. If the court rules that union locals communicating with each is a conspiracy to force multi-union bargaining, then it could set a precedent for the legal assault on the rights of workers to organize and take collective action. By the logic of the lawsuit just the simple, and vague, statement of coordinating action could be construed as a threat to force multi-union bargaining. Even the

current strike itself is claimed as evidence of a labor conspiracy.

The legal action is reminiscent of the anti-trust laws and legal sanctions against “criminal syndicalism” that the American ruling class imposed in the late 19th and early 20th centuries to illegalize unions, strikes and virtually any collective action by workers. This was the period of “government by injunction,” when workers involved in union and socialist activity were stripped of their First Amendment rights of free speech and assembly, jailed, beaten and murdered by police and company thugs.

No doubt encouraged by the efforts of Trump and Musk to establish a presidential dictatorship and strip workers of all democratic and social rights, this lawsuit lays out an argument to effectively outlaw the coordination and collaboration of workers struggles across the country, let alone internationally.

On top of this, King Soopers has also filed a lawsuit for a temporary restraining order against King Soopers workers claiming that their pickets have caused a safety hazard. Joe Kelley, President of King Soopers, claimed that there were 300 incidents of “compromising behavior.” He told Denver 7 that “We have had folks lay down behind some of our tractor-trailers, not letting the trailers get into the loading docks, which is dangerous in itself. We have some drivers that were threatened. We also have had front entrances blocked where customers feel harassed. They are not allowed to enter the building.”

According to the union the company has also argued that the use of portable heaters by strikers, who are picketing in sub-freezing weather, is dangerous.

An announcement from the union stated that the hearing on the restraining order request was delayed to Thursday afternoon after the company failed to provide evidence for its case in a timely manner. If the court rules in the favor of the company workers will be required to take down their pickets in front of stores.

Both lawsuits are an assault on the right to strike and picket against an employer. By filing these lawsuits King Soopers is not just trying to disrupt the strike but to break the strike entirely and attack the very foundation of the right of workers to organize and take strike action.

The answer to this strikebreaking threat is to mobilize workers around the country to defend the King Soopers

workers, who along with Oregon nurses, are carrying out the largest strikes currently in the United States. This requires building a rank-and-file strike committee, made up of the most class conscious and militant workers, to transfer power from the UFCW apparatus to the rank and file. This committee must reach out and prepare common action with food processing and grocery workers throughout the country, including 13,000 UFCW workers at supermarket chain Stater Bros. whose contract expires on March 2, the 20,500 Kroger workers in Georgia whose agreement expires later in March and the tens of thousands Albertsons and Safeway workers in California, Oregon and Washington who face a contract battle later this year.



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