

Labor News

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Boeing Uses Clout to Block Federal Law Enforcement Action

The Boeing Company has long been a top spender in the Washington legislature to gain low tax rates and other corporate benefits. Now it is trying to use its clout in the other Washington to intimidate and coerce the federal agency investigating Boeing's unlawful retaliation against its workers in the Puget Sound.

On April 20, the National Labor Relations Board, which is charged with protecting workers' rights to engage in collective bargaining, issued a complaint against Boeing for retaliating against its workers who engaged in collective activity by moving part of their work on the new 787 Dreamliner to another state. Boeing publicly admitted that its primary motive was because of its workers' exercise of their rights.

Yesterday, in an unprecedented attack on a federal law enforcement agency, Boeing's top lawyer sent a 10-page public rant to the agency, attacking and demanding that the agency's law enforcement efforts be withdrawn. Such a letter is highly unusual, as it seeks to undermine the Agency's authority to perform its statutory duties. Typically, employers charged by the Agency make their defenses at a legal hearing, which has already been scheduled, and do not seek to take down the Agency itself.

Then, ten U.S. Senators friendly to Boeing's anti-worker message challenged the chief law enforcement officer of the agency. That public official, a 39-year career attorney at the agency with no ties to organized labor, is up for confirmation in the U.S. Senate later this year.

"In my 28 years of practicing labor law, I have never seen an employer use these types of overtly political tactics to avoid a legal proceeding," said David Campbell, IAM District 751 lawyer. "Rather than face the music at the June 14 hearing, the Boeing Company is apparently trying to kill the case politically. This tactic shows all too clearly how desperate the Company is to avoid litigating the merits of a case it knows it will lose."

The NLRB's case against Boeing rests upon Boeing's own admissions that it sought to avoid lawful collective activity in Washington state. While Boeing claims that it is free to take

whatever action it thinks may be necessary to avoid collective bargaining and strike activity, that is simply not the law. Just as the law prohibits discrimination against whistleblowers or workers who take family leave, America's laws protect workers who engage in collective activity.

This case presents a simple issue: Do big companies have to obey the law? If employers can retaliate against workers who exercise rights that are protected by law, then those rights will be gone. The NLRB's long-term professional Regional Staff, National Office of Advice and General Counsel reviewed this case for a year, found convincing merit, and issued a complaint. The hearing should continue according to its rules like any law enforcement process.

If, as Boeing claims, the case is frivolous, it will have the opportunity to present its argument before a judge on June 14 in Seattle. It can appeal the judge's decision to members of the National Labor Relations Board. If it is still unsatisfied, it can appeal to the federal courts.

Instead of following the rule of law, Boeing is using its tremendous political clout to try to stop the actions of an independent federal law enforcement agency. Such tactics might work in corrupt nations where money – not the law – rules, but should not here in America.

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