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## the employer strikes back

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### **SCOTUS Holds Tort Claims Against Union for Strikers' Intentional Destruction of Property Are Not Preempted by the NLRA.**

Jonathan Turner & William S. Lisa

*MSK Client Alert*

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The Supreme Court's June 1, 2023 decision in *Glacier Northwest, Inc. v. International Brotherhood of Teamsters* may provide employers with an additional avenue of recourse when dealing with strikers engaging in unlawful behavior not specifically prohibited by the National Labor Relations Act (the "NLRA" or the "Act").

In a decision joined by five Justices, and a judgment joined by eight, the Court held that employer Glacier Northwest, Inc.'s tort claims against Teamsters Local 174 for unprotected strike activities were not preempted by the NLRA, even under the expansive *Garmon* doctrine of preemption.

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