5-09/040.15 - Enforcement of Temporary Restraining Orders and Injunctions in Labor Disputes

Temporary Restraining Orders (TRO's) and injunctions are being issued with increasing frequency. They are commonly issued in response to demonstrated labor dispute violence or other alleged unfair labor practices as defined in the labor code. TROs and injunctions usually limit the number of pickets to a specific number of precise geographical locations and/or forbid unlawful acts.

Plaintiffs can seek remedy from TRO and injunction violations in two ways:

- Through contempt of court proceedings; or
- Enforcement of penal code section 166(4).

Deputies shall enforce specific violations of the penal code, vehicle code, etc., according to established Department procedures.

Trespassing (602 PC) provisions are clouded in labor dispute situations, and deputies should consult with Emergency Operations Bureau (EOB), Industrial Relations Detail representative before enforcing provisions of this penal code section.

Upon receiving requests to enforce TROs and injunctions from management representatives or union officials, deputies shall, prior to taking any enforcement action pursuant to court orders:

- Consult with their station/unit supervisor; and
- Consult with an EOB, Industrial Relations Detail representative immediately by telephone.

The EOB, Industrial Relations Detail representative shall:

- Offer an opinion as to the validity of the court order; and
- Recommend a possible course of action to the handling deputies and/or station/unit supervisors.

Peaceful picketing, singly or in numbers, hand billing, and related activities are lawful unless specifically forbidden by court order. Pickets may not, however, deliberately block driveways and other entrances, or commit other acts that constitute specific violations of the law.