

NLRA Cheat Sheet

What Employers Are Covered?

Those that engage in interstate commerce

What Does the NLRA Do?

The NLRA regulates the relationship between labor and management and provides employees with the right to:

- form and join unions
- assist unions
- engage in collective bargaining

What Are Employers Prohibited From Doing?

- Interfering with an employee's exercise of NLRA rights, including making threats of adverse action or bribing with benefits
- Discriminating against an employee because he or she exercised rights
- Employers that interfere with these rights commit an unlawful "unfair labor practice"

What Are Some Potential "Unfair Labor Practices"?

- Punishing employees for supporting a union
- Threatening to shut down or move or otherwise punish employees for supporting a union
- Promising or giving benefits to employees for refusing to support a union
- Interrogating employees about union activities in a coercive or intimidating manner
- Spying on union activities or meetings

What Are Employers Allowed to Do?

Employers may prohibit:

- solicitation during working time
- leafleting at the workplace
- non-employees from coming onto workplace property during the workday

Note: Any such policies must be uniformly enforced without regard to whether or not they are union-related

Employers may also:

- tell employees that they don't want a union and why
- provide factually accurate information about a union (e.g., dues charges, union rules and strike history)
- explain workplace changes that could result from becoming unionized
- compare wages and benefits offered by the company with wages and benefits the union has negotiated with other companies

What Is a "Collective Bargaining Agreement"?

An agreement between an employer and a union regarding the terms and conditions of the employees' work and employment benefits

What Are Some Mandatory Subjects of a CBA?

- Hours
- Rate of pay
- Health insurance and retirement benefits
- Seniority
- Assignments
- Time off
- Rules of promotion
- Discipline

How Is a CBA Enforced?

Through a grievance and arbitration process in which the union and employer first try to resolve any complaint in collective negotiations. If those negotiations fail, the complaint will proceed to a neutral arbitrator mutually selected by the parties.

What Are the Potential Penalties?

- Reinstatement
- Back wages
- Monetary fines
- Injunctive relief
- Attorneys' fees

Top NLRA Tips

- Employers must bargain in good faith
- Once a CBA is executed, the employer cannot unilaterally change terms and conditions of employment covered by the CBA
- If dealing with unionized employees, employer can bargain only with the union
- A CBA typically limits the employment-at-will doctrine; in general, employers can terminate unionized employees only for just cause
- The NLRA applies to non-union employers by protecting employees who engage in "protected concerted activity" (e.g., two or more employees complaining about wages)