



Fact Sheet: The National Labor Relations Act (NLRA)

What does it do?

Regulates the relationship between labor and management and provides employees with the following rights:

- To form and join unions
- Assist unions
- Engage in collective bargaining

Who's covered?

- The majority of private employers (even those without unions)

What does it prohibit an employer 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 s/he exercised rights

What rights does it provide an employer?

- Can prohibit solicitation during working time
- Can prohibit leafleting at the workplace
- Can prohibit 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.

What is a "collective bargaining agreement" (CBA)?

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

What are some of the 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 go in front of a neutral arbitrator.

What are the potential penalties?

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

Top NLRA tips

- Must bargain in good faith

- Once a CBA is executed, the employer cannot unilaterally change terms and conditions of employment
- If dealing with unionized employees, employer can bargain only with the union
- Employment of employees pursuant to a CBA limits the employment-at-will doctrine; in general, employers can terminate unionized employees only for just cause

NLRA and Social Media

- The NLRA is increasing its role in nonunion settings by taking positions on what an employer may or may not control regarding any employee's activities in the Social Media sphere.