

Employee Rights & Unfair Labor Practices

Was this an unfair labor practice?

- <http://fortune.com/2015/04/20/walmart-store-closings-plumbing/>
- <http://money.cnn.com/2015/09/03/news/companies/walmart-reopen-stores-plumbing/>

Employee Rights

Examples of
Employee
Rights Under
NLRA (See
Section 7 of
LMRA, 1947,
as amended)

Right to:

- ✓ “Forming, or attempting to form, a union among the employees of your employer.”
- ✓ “Joining a union whether the union is recognized by your employer or not.”
- ✓ “Assist a union in organizing your fellow employees.”
- ✓ ...engage as member of group in “protected concerted activities” to affect pay or working conditions.
- ✓ ... refuse to do the above, (if “lawful union security clause” not present)

Unfair Labor Practices: Employer

Examples of
EMPLOYER
Unfair Labor
Practices (See
Section 8 (a) of
LMRA, 1947, as
amended)

- ✓ Threaten loss of jobs, benefits, or plant closure if vote for union or “engage in protected concerted activity.”
- ✓ Question applicants or incumbents “about their union sympathies or activities in circumstances that tend to interfere with, restrain or coerce employees in the exercise of their rights under the Act.”
- ✓ Promise new benefits to incumbents to discourage union support during certification election
- ✓ Express a preference for one union over another during a contested certification election

Unfair Labor Practices: Employer

Examples of
EMPLOYER
Unfair Labor
Practices (See
Section 8 (a) of
LMRA, 1947, as
amended)

- ✓ “Employers may not create employee groups within the organization and ask them to participate in setting wages, hours, and terms and conditions of employment.” (In U.S., this may conflict with activities of team-based work systems)
- ✓ Transfer, lay off, or re-assign union supporters to more difficult tasks because of protected activities (e.g., filed charges)
- ✓ “Assisting, dominating, or contributing financially to labor unions.”
- ✓ Refusing to bargain (debated)

Unfair Labor Practices: Union

Examples of
UNION Unfair
Labor Practices
(See Section 8
(b) of LMRA,
1947, as
amended)

- ✓ Threat of job loss if do not support union activities
- ✓ Refuse to process a grievance because employee critical comments regarding union
- ✓ Attempt to discharge employee for not complying with union shop agreement, when they have fulfilled “fair share” requirements
- ✓ “Refusing referral or giving preference in a hiring hall on the basis of race or union activities” or “causing employers to discriminate illegally.”

Unfair Labor Practices: Union

Examples of
UNION Unfair
Labor Practices
(See Section 8
(b) of LMRA,
1947, as
amended)

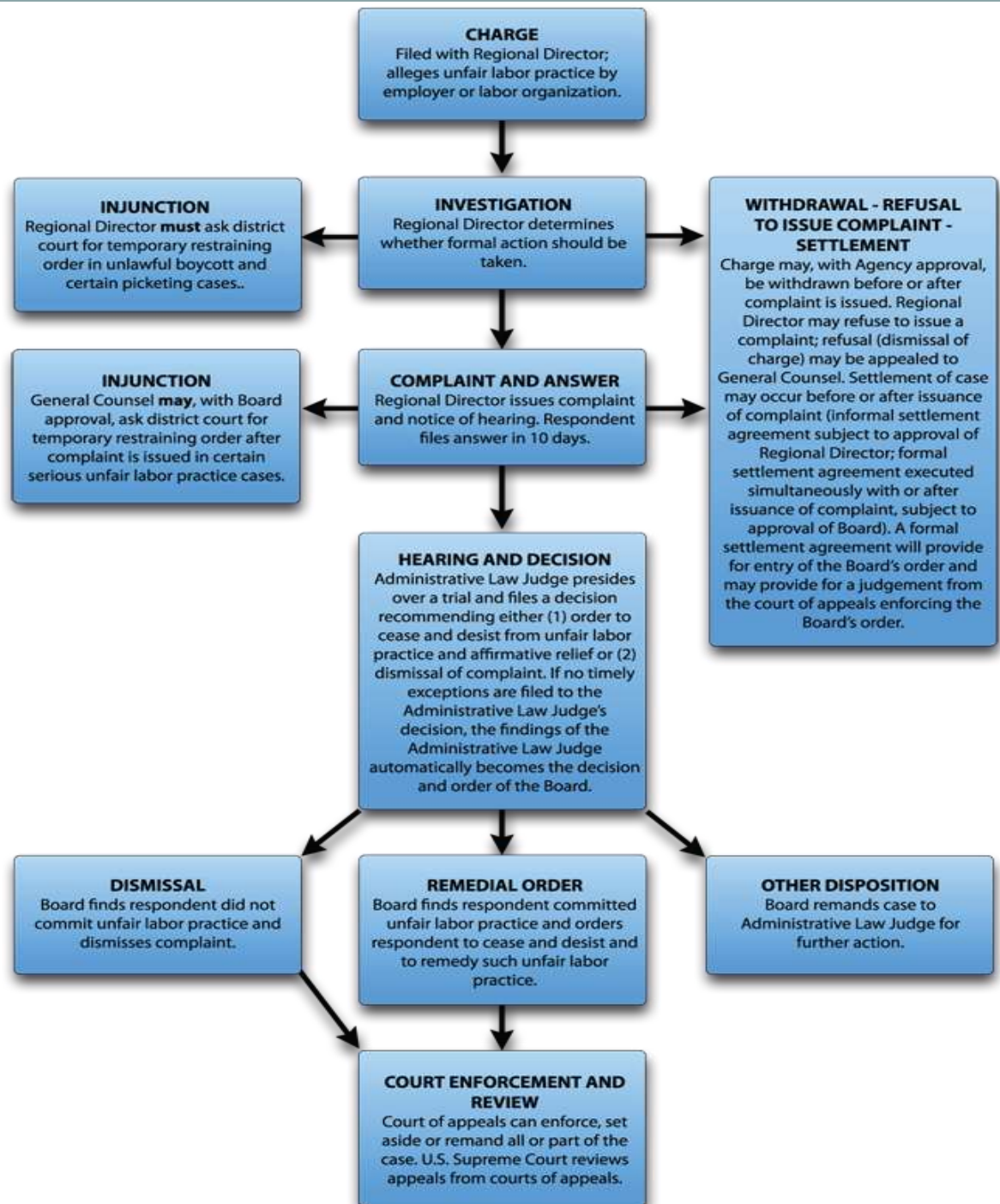
- ✓ Attempting to restrain or coerce employees in choice of bargaining representative or force employer to bargain with someone other than the certified representative
- ✓ “Refusing to bargain in good faith” or
- ✓ “Engaging in secondary boycotts or jurisdictional strikes (in commerce sector, see “hot cargo” issue)
- ✓ Charging excessive initiation or other fees

Unfair Labor Practices: Union

Examples of
UNION Unfair
Labor Practices
(See Section 8
(b) of LMRA,
1947, as
amended)

- ✓ “Engaging in featherbedding” (demand payments for “ghost” employees or for services not performed)
- ✓ Engaging in certain types of picketing (see text for other caveats on picketing)

Filing a Charge



(NLRB, 2015)