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NLRB Targets Non-Union Employees

In an apparent attempt to drum up work from non-union employees, the National Labor Relations Board ("NLRB" or the "Board") launched a new webpage on June 18, 2012 touting its success at protecting the right of employees to engage in concerted activity even though they are not represented by a union. The webpage features a colorful interactive map of the United States highlighting the Board's accomplishments in recent cases involving a range of industries.

The new webpage, entitled "Protected Concerted Activity," includes the following introduction:

The law we enforce gives employees the right to act together to try to improve their pay and working conditions or fix job-related problems, even if they aren't in a union. If employees are fired, suspended, or otherwise penalized for taking part in protected group activity, the National Labor Relations Board will fight to restore what was unlawfully taken away.

The factual scenarios underlying the cases cited on the interactive map include: a construction crew who lost their jobs after refusing to work in the rain near exposed electrical wires; a customer service representative who was discharged after discussing her wages with a coworker; a paramedic who was fired after posting work-related grievances on Facebook; and poultry workers who were discharged after discussing grievances against their employer with a newspaper reporter.

In its news release about the new webpage, the Board gave a brief explanation for its special outreach to unrepresented employees. NLRB Chairman Mark Gaston Pearce said:

We think the right to engage in protected concerted activity is one of the best kept secrets of the National Labor Relations Act, and more important than ever in these difficult economic times. Our hope is that other workers will see themselves in the cases we've selected and understand that they do have strength in numbers.

This latest initiative by the Board further illustrates the agency's ambitious goal of educating all employees, but particularly those workers who are not represented by a union, about remedies that are available to them under the National Labor Relations Act (the "Act"). The webpage should serve as a reminder to employers of the protection afforded employees under the "concerted activity" provision in the Act and the need for regular compliance training for managers. The NLRB's new webpage can be accessed at <http://www.nlr.gov/concerted-activity>.

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