

Another Tree Dies a Useless Death (or more useless government paper on your walls)

29. August 2011 By Steve Palazzolo

Back in December we talked about the new proposed rule from the NLRB that would have required virtually every employer in the United States to put up a poster informing employees of their “rights” under the National Labor Relations Act (NLRA).

Never mind that it is not necessary for employers to tell employees their rights under this particular statute, there are unions to do that. Never mind that unions spend millions of dollars every year on political candidates instead of spending that money educating employees. Never mind even that the NLRA does not even have a posting requirement and that it is likely that a rule requiring a posting goes way beyond the rule making authority of the Board. Finally, never mind that at least one Board member felt like the rule was arbitrary and capricious and it was not based on “substantial evidence” or a “reasoned analysis.”

I will tell you one thing, the Board didn’t mind any of this — they went ahead and issued a final rule.

What does this mean for you? It means, that you have to put up a poster, and one more tree dies a useless death. The poster is going to tell employees about their rights. What rights, you ask? The rights to:

- Organize, form, join or assist a union
- Bargain collectively to improve wages and working conditions
- Discuss terms and conditions of employment with fellow employees
- Take action with the employees to improve working conditions
- Strike and picket
- Inform workers that they have the right to refrain from any of those activities

It will also tell employees that it is illegal for employers to:

- Prohibit employees from soliciting for a union during non-work time
- Question employees about their union support or activities
- Fire, demote or transfer employees because they join or support a union

Prohibit employees from wearing union hats, buttons, t-shirts and pins in the workplace.

You can find a "fact sheet" on the new rule here: <https://www.nlr.gov/news-media/fact-sheets/final-rule-notification-employee-rights>

So other than tell you to put up the poster, which you have to do by November 14, 2011, I will tell you the same things I told you in December.

You can make sure you have a workplace where the employees don't feel like they need a union. How do you do that? Start with your supervisors. Train them. Make sure they understand their role in keeping your employees engaged. Looking for some ideas on how to do this? Here are a couple of places you might consider

starting: <http://negotiumlex.wnj.com/?p=41> <http://negotiumlex.wnj.com/?p=80> <http://negotiumlex.wnj.com/?p=123>

And so I don't look too self-absorbed, you can also find some great stuff from my colleagues here: <http://www.wnj.com/seminar/> and also here <http://www.wnj.com/publications/List.aspx?Practices=547da6d7-2128-4050-9325-39ab9f179d6d> .

So go ahead and put up the poster. You have to do it anyway. And then give us a call. We can provide training, not just on the law but on conflict resolution, managing generational differences in the workplace, employee motivation and many other topics that will help make improve the performance of your supervisors and hopefully keep your staff from seeking help from the outside.