

NLRB Proposes a Unionization Poster

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A new rule proposed by the National Labor Relations Board would require every employer covered by federal labor law to post at all of its workplaces an 11" x 17" poster advising employees of their rights regarding unions.

The NLRB published a notice of the proposed new rule today – Dec. 22. The NLRB is in charge of administering the National Labor Relations Act, which governs matters related to union organizing and union/employer relations.

The proposed new rule also states:

- An employer who "customarily communicates" with employees via electronic systems such as an intranet will also be required to display the poster electronically, or to post an electronic link to it
- If a significant portion of the employer's workforce is not proficient in English, the employer must display the poster in the language spoken by the employees
- The poster advises employees that they are entitled to unionize and bargain with their employer through a labor organization
- The poster details the right to strike and other rights under the federal labor law
- The poster includes a list of "prohibited employer conduct"
- The NLRB may extend the normal six-month limitations period for filing an unfair labor practice charge if an employer has not displayed the poster as required
- An employer victory in an NLRB election may be set aside if the employer failed to display the poster as required
- The NLRB may consider failure to display the poster as evidence of "anti-union motive" in any NLRB proceeding against an employer (that is significant because certain types of unfair labor practices require the NLRB to show "anti-union motive" in order to find the employer guilty)
- Small employers who are exempt from NLRB jurisdiction will also be exempt from the posting requirement

The notice and the proposed poster may be viewed [here](#).

The notice provides for a comment period of 60 days, after which the NLRB will assess comments and decide whether to adopt a final rule and make any changes to the proposed poster. Although one Board member, Brian E. Hayes, dissented, the Democratic majority of the NLRB is likely to adopt a final rule requiring the poster.

If you have any questions regarding this bulletin, please contact Robert Chovanec (616.752.2120 or rchovanec@wnj.com) or any other member of Warner Norcross & Judd's Labor Group.