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U.S. Proposes Posted Notice of the Right to Unionize

By STEVEN GREENHOUSE

The [National Labor Relations Board](#) said on Tuesday that it would require companies to post notices on their bulletin boards — and perhaps send out e-mail— to inform employees of their right to unionize under federal law.

A day earlier, the labor board's acting general counsel said that he would push for stronger action to create a fair atmosphere for unionization drives, perhaps by letting unions post materials on a company's bulletin board if a company was found to have committed serious violations during such a drive.

These moves, part of a series of recent pro-union actions by the labor board under [President Obama](#), upset companies and business groups.

“These actions are consistent with a general ramp-up of enforcement against employers we are seeing across the board,” said Randel K. Johnson, senior vice president for labor policy at the [United States Chamber of Commerce](#).

“The question here is, Is the N.L.R.B. moving forward on these steps based on true evidence that current, strong remedies are ineffective or just based on some vague arbitrary notion that employers

are to blame for the decline in union membership and so therefore enforcement must be increased?”

Mr. Johnson said.

The percentage of private sector workers in unions has dropped to 7.2 percent, from more than 35 percent in the 1950s.

The labor board said on Tuesday that it was beginning a 60-day comment period on its proposal to post information on employees' rights under the National Labor Relations Act, which sets rules for unionization efforts.

It was the first time since Congress passed the act in 1935 that the labor board would broadly require employers to post notices about employees' rights under the act. Agricultural, rail and airline employers would not be covered by the new rule.

The board said that the purpose of its proposed rule was “to better enable the exercise of rights under the state and to promote statutory compliance by employers and unions.”

Under President Obama, the Labor Department has begun requiring federal contractors to post such notices.

Labor unions applauded the proposal.

“Every working person in America deserves to know his or her rights,” said Richard L. Trumka, the A.F. L.-C.I.O.'s president. “This rule ensures that workers' rights are effectively communicated in the workplace. It is necessary in the face of widespread misunderstanding about the law and many workers' justified fear of exercising their rights under it.”

Mr. Johnson of the chamber questioned whether the labor board had the statutory authority to impose such a posting requirement and whether the required notice would provide a balanced overview of employee rights, including the right not to join a union.

Similar postings are required under the Fair Labor Standards Act, which governs minimum wage,

overtime and hours, the Civil Rights Act of 1964, the Occupational Safety and Health Act and several other federal employment laws.

Ronald Meisburg, a lawyer at Proskauer Rose who was the labor board's general counsel under President [George W. Bush](#), said the proposed posting requirement would not prove a major event.

“We have a plethora of required notices,” he said. “It’s like noise pollution. It’s like sign pollution. One more poster isn’t going to stand out.”

He said businesses would be more concerned by the board’s proposal that would require companies that normally communicate with employees by e-mail to distribute the new notice to employees by e-mail.

In another recent action, the board’s acting general counsel said he would move more aggressively to seek reinstatement of pro-union employees fired during unionization drives.

In addition, the labor board recently ruled that it was legal for employers and unions to agree on ground rules for a unionization election or for card check to determine whether a majority of workers want a union. Some business and conservative groups had called such an agreement wrong because the union did not yet represent any employees at the worksite.

Business groups say all this is part of an undue pro-union tilt by the Labor Board under President Obama, while labor leaders assert that the board is moving toward fairness after the board favored business under President George W. Bush.



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