

**NLRB RULING REVERSES A 40 YEAR PRECEDENT OF WHAT EMPLOYERS MAY  
TELL WORKERS DURING ORGANIZING DRIVES**

The National Labor Relations Board recently ruled that in a case involving Starbucks, that Employers telling workers during an organization drive that having a union would cut off direct relations with managers may violate federal labor laws (NLRA). The NLRB ruled that this statement is an effective threat to end workers' direct relationships with management.

An Employers predictions that having a union would make it harder for workers to address issues directly with bosses are legal only if “fact-based” and “carefully phrased” to “convey and Employer’s belief as to demonstrably probable consequences beyond his control” as stated by the majority which reversed a 1985 ruling in TRI-CAST.

This ruling impacts only in future cases and is not retroactive.

This decision relies on NLRA Section 9 (a), that allows unionized workers the right “to present grievances to their Employer and to have such grievances adjusted” without their union as long as it does not violate a collective bargaining agreement.” The Board ruled that when an Employer “contradicts Section 9 (a) by asserting that an existing practice of permitting individual employees to address their issue with management must end,” it makes an illegal threat.

The Board decision does not hand tie an Employer to continue to conduct employee statements during organizing drive. It is highly recommended that you seek legal guidance and script your talking points to avoid NLRB charges.



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