

Electronic Alert

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Reminder: NLRA Applies to Nonunion Workplaces!

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Many employers are mistaken in assuming that the National Labor Relations Act (NLRA) only applies to unionized workplaces. One Montana employer learned this lesson the hard way. Recently, the Regional Director of the Seattle Regional Office of the National Labor Relations Board (NLRB) approved a settlement agreement between a Montana fly fishing gear and apparel manufacturer and one of its production employees.

The settlement agreement resolves allegations that the company suspended and then terminated a production employee for discussing workplace concerns and advocating for her daughters, who were also employees of the company. The company allegedly instructed the employee to refrain from “inserting herself” into workplace issues involving her co-workers and instructed one of the employee’s daughters only to discuss issues or concerns related to her employment with her supervisors. The settlement agreement requires the company to:

- Post the NLRA notice to employees and employee rights posters in the workplace and on the company’s intranet for 60 days;
- Email the posters to all employees who worked for the employer at any time over the past year;
- Pay 100% back pay plus front pay to the employee, in addition to health benefits, 401(k) contributions, and a monthly \$650 bonus; and
- Reimburse the employee for additional mileage to commute to interim employment, and mileage and parking expenses she incurred during her job search.

It is important for employers to be aware of the NLRA and how it applies to their employees. First, the NLRA guarantees the right of most employees in the private sector to organize and bargain collectively with their employers. Among other things, the NLRA affords workers the right to advocate for their wages, hours, and other terms and conditions of employment, including better working conditions for themselves and their co-workers, regardless of whether there is a union in the workplace.

Under the NLRA, employers are prohibited from taking or threatening any adverse employment action against an employee because the employee joins or supports a union, engages in concerted activity for mutual aid and protection, or because the employee chooses not to engage in these activities.

If you have questions on NLRA compliance, contact Nicole Elgin at 503-276-2109 or nelgin@barran.com