

## How to Avoid Unfair Labor Practices

Employers with two or more employees are subject to the National Labor Relations Act (NLRA). The National Labor Relations Board (NLRB) created guidelines for acceptable employer and union behavior, and outlined five activities and behaviors prohibited by the employer and management. The prohibited activities include:

1. **Interference, restraint, or coercion.** An employer cannot interfere with, restrain, or coerce employees in the exercise of their rights. Most violations of this section include supervisors who (a) make threatening statements, (b) question employees who assert their labor rights, or (c) make false statements to workers seeking unionization.
2. **Employer domination or support of a labor organization.** An employer may not try to dominate or interfere with the formation or administration of any labor organization, or to contribute financial or other support to such an organization.
3. **Discrimination on the basis of labor activity.** An employer may not discriminate against an employee in hiring, or tenure of employment, or any term or condition of employment in order to encourage or to discourage membership in any labor organization.
4. **Discrimination in retaliation for going to the NLRB.** An employer may not discharge or otherwise discriminate against an employee in terms and conditions of employment because he or she has filed charges or given testimony against them.
5. **Refusal to bargain.** An employer will be in violation of the NLRA if the company (a) refuses to bargain collectively with the representatives of the employees, (b) refuses to recognize a majority union, (c) takes unilateral actions, (d) refuses to provide necessary information to union representatives, (e) refuses to sign a written contract once an agreement is reached, or (e) or imposes conditions on its willingness to bargain.

Managers are often baited into committing unfair labor practices. An organization vulnerable to union organization must fully train its managers to understand what actions should be avoided to limit unfair labor practice charges, and how to document activities to protect the employer. Organizations and their management teams should be familiar enough with the nuances of these rules to avoid being baited into making a mistake.

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