

## Fair Labor Practices

*Ill-advised labor initiatives could devastate small businesses and hamper U.S. economic growth*

---

### Problem:

Organized labor has made a concerted effort to expand their reach, and the new rules they have championed, primarily through the National Labor Relations Board (NLRB), stand to significantly stymie the very beginnings of economic growth the U.S. economy is just now experiencing. Members of Congress and administration officials must be mindful to focus on the U.S. economic recovery and getting the unemployed back to work. NSBA supports fair labor, economic growth, and job creation, and will continue to oppose unfair and burdensome efforts to bolster organized labor's stronghold through a number of concerted efforts.

- **NLRB Elections Rule.** The NLRB approved a final rule governing union elections in 2011. Though initially overturned by the courts, a rule was newly promulgated and made effective late in 2014. NSBA remains opposed to the rule and supports legislation to overturn the new regulation. The rule will dramatically shorten the time between a petition for certification and an election. It also will eliminate many procedural protections for employers.
- **DOL Advice Rule Regulations.** NSBA has submitted comments to the Department of Labor urging withdraw of a proposed “advice” or “persuader” rule under the *Labor-Management Reporting and Disclosure Act* that would require employers to report on consultants assisting with speech-writing, public relations advice, labor campaigns, web sites, emails or other materials for employer communication to employees or the public, no matter how minor or indirect the relation to any labor dispute. In addition, modification of personnel policies and practices fall under the persuader activities list. Therefore, arrangements with, and the content of the work by attorneys, insurance agents, HR consultants, pension consultants, accountants or financial advisers who review benefits packages or other personnel practices would be reportable.
- **Employee Free Choice Act or ‘Card check’.** The *Employee Free Choice Act* would take away a worker’s right to a federally supervised secret ballot when deciding whether or not to join a union. Instead, the proposed bill would require the NLRB to certify a union that brings in signed authorization cards from a majority of employees in the company bargaining unit. The card check system makes it easier and less expensive for unions to target and organize small businesses of any size, using any means available—false or misleading promises, threats or coercion.

### Solution:

These kinds of rules and legislative proposals are non-starters for America’s small businesses and should be strongly opposed by lawmakers.

- The House of Representatives has previously passed legislation that would largely reverse the proposed NLRB elections rule. NSBA urges the House and the Senate to once again take up such legislation.
- The House has not taken up the “card check” legislation, and it has not yet passed the Senate. NSBA urges that neither body act on such legislation.

### Learn More:

[NLRB Revisits Election Rule](#)

[NSBA Opposes Advice Rule](#)