

## NATIONAL LABOR RELATIONS ACT (NLRA)

The National Labor Relations Act was created by the National Labor Relations Board (NLRB) in 1935. The *NLRB* is an independent federal agency that was created by Congress to administer the National Labor Relations Act (NLRA) which is the primary law governing relations between unions and employers in the private sector; the main purpose of the act is to encourage healthy relationships between workers and employers. Overall, the NLRA “guarantees the right of employees to organize and to bargain collectively with their employers, and to engage in other protected concerted activity with or without a union, or to refrain from all such activity”.<sup>1</sup>

The NLRA was designed to decrease and manage work stoppages, strikes, and general labor strife, which, at the time of conception, were viewed as being harmful to the U.S. economy and to the nation’s general well-being. The NLRA extends many rights to workers who wish to form, join, or support unions, also known as labor organizations; to workers who are already represented by unions; and to another group of workers (a group being defined as two or more employees) who collaborate without a union and are seeking to modify their wages or working conditions. This third described group of workers’ efforts is often referred to as protected concerted activities which is further described below.

The NLRA extends rights to employers as well as employees, most often protecting commercial interests against unfair actions committed by labor organizations. It also extends rights to labor organizations; this often comes in the form of “protecting organizational and collective-bargaining representative interests against unfair actions committed by employers”.<sup>2</sup>

The National Labor Relations Act outlines basic rights of employees as follows:

- To self-organization.
- To form, join, or assist labor organizations.
- To bargain collectively for wages and working conditions through representatives of their own choosing.
- To engage in other protected concerted activities with or without a union, which are usually group activities (two or more employees acting together) attempting to improve working conditions, such as wages and benefits.
- To refrain from any of these activities. (However a union and employer may, in a State where such agreements are permitted, enter into a lawful union-security clause).<sup>3</sup>

### Protected Concerted Activities

Protected concerted activities is loosely defined as a group of employees that consists of two or more people who are acting together to improve their wages or working conditions. Protected concerted activities are protected under the NLRA whether or not they are acting with in alliance with a union. Some examples of protected concerted activities include:

- Two or more employees addressing their employer about improving their working conditions and pay.

- One employee speaking to his/her employer on behalf of him/herself and one or more co-workers about improving workplace conditions.
- Two or more employees discussing pay or other work-related issues with each other. The NLRA also protects any individual employee's right to engage in union support, membership, and activities.<sup>4</sup>

Conversely, the NLRA protects an individual employee's right not to engage in union activities or in other protected, concerted activities.<sup>5</sup>

### Unions and Labor Organizations

The NLRA addresses employees' rights regarding unions and other labor organizations in Section Seven. It advises that employees have the right to self-organization<sup>1</sup>. According to the National Labor Relations Act, they have the right to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.<sup>7</sup> Additionally, employees also have the right to refrain from any or all noted activities except to the extent that their right may be affected by an agreement requiring membership in a labor organization as a condition of employment as authorized in section.<sup>8</sup>

The following are examples of Section seven rights around the areas of unions:

- Forming or attempting to form a union among the employees of a company.
- Joining a union whether the union is recognized by the employer or not.
- Assisting a union to organize the employees of an employer.
- Going out on strike to secure better working conditions.
- Refraining from activity on behalf of a union.<sup>9</sup>

*See also* Labor-Management Relations (Taft-Hartley) Act; Labor Unions

### NOTES

1. National Labor Relations Board, "What We Do," <http://www.nlr.gov/> (accessed September 26, 2007).
2. Ibid. National Labor Relations Board. (n.d.a). *Homepage: What We Do.* <http://www.nlr.gov/>. (accessed September 26, 2007).
3. National Labor Relations Board. "What is the National Labor Relations Act?" [http://www.nlr.gov/Workplace\\_Rights/i\\_am\\_new\\_to\\_this\\_website/what\\_is\\_the\\_national\\_labor\\_relations\\_act.aspx](http://www.nlr.gov/Workplace_Rights/i_am_new_to_this_website/what_is_the_national_labor_relations_act.aspx) (accessed September 26, 2007).
4. National Labor Relations Board. "What are Protected Concerted Activities?" [http://www.nlr.gov/Workplace\\_Rights/i\\_am\\_new\\_to\\_this\\_website/what\\_are\\_protected\\_concerted\\_activities.aspx](http://www.nlr.gov/Workplace_Rights/i_am_new_to_this_website/what_are_protected_concerted_activities.aspx) (accessed September 26, 2007).
5. Ibid.
6. National Labor Relations Board, "Basic Guide to the National Labor Relations Act: General Principles of Law Under the Statute and Procedures of the National Labor Relations Board" [http://www.nlr.gov/nlr/shared\\_files/brochures/basicguide.pdf](http://www.nlr.gov/nlr/shared_files/brochures/basicguide.pdf) (accessed September 26, 2007).
7. Ibid.
8. Ibid.
9. Ibid.