

EMPLOYMENT LAW ALERT: U.S. DEPARTMENT OF LABOR RESCINDS PRO-UNION “PERSUADER RULE”

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This week, the U.S. Department of Labor (DOL) rescinded an Obama-era rule that would have required extensive public disclosure by attorneys hired to combat union organizing efforts and the employers who retain them.

The federal Labor-Management Reporting and Disclosure Act of 1959 (LMRDA) requires unions, “consultants,” and employers to file reports and publicly disclose expenditures for certain labor-management activities. Historically, the law has only required employers and their consultants (including attorneys) to file reports when engaged in *direct* persuader activities – like speaking directly to employees about union issues during a union organizing campaign. The new rule, however, would have extended those reporting requirements when attorneys engaged in *indirect* persuader activities – like advising employers on union avoidance strategies or assisting with preparation of handouts or talking points for managers and supervisors discussing union issues with employees – which have traditionally been exempt.

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