

No NLRB Authority for Union Rights Poster Rule

By Hope Eastman

A Bush-appointed federal judge in South Carolina ruled on April 13 that the National Labor Relations Board did not have the authority to order most private employers to post notices telling workers about their right to unionize under federal law. Attorneys for both the NLRB and the plaintiff, United States Chamber of Commerce, are looking into whether the court ruling would suspend the NLRB order just in South Carolina or nationwide. Stay turned for further developments as employers are currently required to post the union rights poster by April 30, 2012.

The Board had argued that the notice is required to help unaware workers know their rights. The judge, however, rejected this argument. He also rejected the board's contention that Congress had delegated authority to the board to order the posting of such notices. The notice, required to be posted as an 11x17 poster in all worksites, explains the right to bargain collectively, to distribute union literature and to join with other employees to work together to improve wages and conditions. This court ruling conflicts with one issued last month by an Obama-appointed federal district judge in Washington DC, which upheld the Board's authority to mandate the poster.