



Pennsylvania Conference of Teamsters

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LEGISLATIVE ACTION ALERT

William Hamilton, President & Eastern PA Legislative Coordinator – Carl Bailey, Secretary-Treasurer & Western PA Legislative Coordinator -Tim O'Neill, Consultant – Dan Grace, Trustee & Legislative Advisor - Tom Kohn, Esq. Legal Advisor - Thomas Felice, Staff

>>>>>>>This article supplied by the PA Conf. of Teamsters legal advisor, Tom Kohn, Esq.<<<<<<<<

NLRB Restricts Captive Audience Meetings

In a major departure from established law, the NLRB today overruled a long-standing decision that had given employers an almost unlimited right to require employees to attend meetings at which the employer could oppose a unionization drive. Such captive audience meetings are no longer permitted. Rather, an employer must provide notice of the subject of the meeting, specify that attendance is voluntary, that a failure to attend the meeting will not result in any adverse action, and that no record of attendance will be taken. The entire Board press release states as follows:

November 13, 2024

Today, the Board issued a decision in *Amazon.com Services LLC*, ruling that an employer violates the National Labor Relations Act by requiring employees under threat of discipline or discharge to attend meetings in which the employer expresses its views on unionization. Overruling *Babcock & Wilcox Co.*, 77 NLRB 577 (1948), the Board explained that such meetings—commonly known as captive-audience meetings—violate Section 8(a)(1) of the Act because they have a reasonable tendency to interfere with and coerce employees in the exercise of their Section 7 rights. However, the Board made clear that an employer may lawfully hold meetings with workers to express its views on unionization so long as workers are provided reasonable advance notice of: the subject of any such meeting, that attendance is voluntary with no adverse consequences for failure to attend, and that no attendance records of the meeting will be kept.

The Board articulated several reasons why captive audience meetings interfere with employees' rights under the Act, thus violating Section 8(a)(1). First, such meetings interfere with an employee's right under Section 7 of the Act to freely decide whether, when, and how to participate in a debate concerning union representation, or refrain from doing so. Second, captive audience meetings provide a mechanism for an employer to observe and surveil employees as it addresses the exercise of employees' Section 7 rights. Finally, an employer's ability to compel attendance at such meetings on pain of discipline or discharge lends a coercive character to the message regarding unionization that employees are forced to receive. The employer's ability to require attendance at such meetings demonstrates the employer's economic power over its employees and reasonably tends to inhibit them from acting freely in exercising their rights.

The Board made clear that this change in the governing standard will be applied prospectively only, to appropriately accommodate the reasonable reliance employers may have previously placed on *Babcock & Wilcox*.

"Ensuring that workers can make a truly free choice about whether they want union representation is one of the fundamental goals of the National Labor Relations Act. Captive audience meetings—which give employers near-unfettered freedom to force their message about unionization on workers under threat of discipline or discharge—undermine this important goal," said Chairman Lauren McFerran. "Today's decision better protects workers' freedom to make their own choices in exercising their rights under the Act, while ensuring that employers can convey their views about unionization in a noncoercive manner."

Members Prouty and Wilcox joined Chairman McFerran in issuing the decision. Member Kaplan dissented.



Thomas Kohn, Esquire -Markowitz & Richman
123 South Broad Street -Suite 2020
Philadelphia, PA 19109
215-875-3129

