



Law Profs Want NLRB To Propose 'Captive Meetings' Rule

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Bert Brannen was quoted in *Law360* on January 19, 2016. The article “Law Profs Want NLRB To Propose 'Captive Meetings' Rule” discussed how more than 100 law professors have asked the National Labor Relations Board to introduce a rule allowing unions to hold work-day meetings on an employer’s private property if that employer holds a “captive audience meeting” with employees to address a union drive.

Bert was quoted on his concerns about the rule regarding the start of the time period.

The starting point of an employer knowing about union activity “is a much more difficult time to pin down — for example, imagine a McDonald’s or Wal-Mart or some other national company that the unions have generally targeted but where a particular union may not have approached a particular group of employees,” Bert said. “When does the 'union activity' really begin?”

An attempt to introduce equal time for unions failed legislatively when the Labor Law Reform bill failed to pass in 1978, and the idea didn't get any traction despite discussions about it after President Obama was elected in 2008, according to Bert.

Bert also pointed out that under long-standing NLRB rules regarding access to property, the NLRB needs to balance the parties’ interests and only compel union access when there is no other available means of communication with employees.

“This rulemaking will effectively overrule that line of thinking,” he said.

To read the full article, please visit [Law360](#).

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D. Albert Brannen
Partner
404.240.4235
Email