

Three Takeaways From The NLRB's Temp Worker Union Ruling

News

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In the article, "Three Takeaways From The NLRB's Temp Worker Union Ruling," featured in *Law360*, Steve Bernstein highlighted a critical issue that could arise from the Miller & Anderson ruling.

According to Steve, the key issue isn't necessarily its effect on collective bargaining or union organizing efforts, but rather on how any eventual collective bargaining agreements are used.

Those agreements, he said, could potentially be cited in a wide range of proceedings cases to change court precedents or bolster arguments supporting joint employment.

"What's to stop a union from using a CBA as evidence that employers are joint employers?" Steve said. "The [ruling] created, with a gun to [employers'] head, a piece of evidence that can be used in other contexts to prove joint employment, like wage-and-hour cases, Occupational Safety and Health Administration complaints and workers' comp claims."

If unions or employees use the CBAs to obtain rulings that a user company is a joint employer that could potentially expose the employer to liability for things including wage violations by the staffing agency, workplace injuries or any number of other claims that could arise during the course of employment, according to Steve.

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

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