



What Organized Fast Food and Retail May Mean to Employers

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With union membership rates at their lowest level since the National Labor Relations Act was enacted in 1935, organized labor is desperately seeking to attract new members, even if that means targeting new industries that have traditionally been ignored. Over the past few months, unions have been busy sparking drives to organize retail and fast food service workers across the country.

In November, organized labor coordinated a series of protests and strikes in over 100 cities in response to the Black Friday plans of various retailers. Weeks later, unions coordinated their largest fast food demonstration to date when 200 nonunion workers protested outside dozens of New York restaurants. These protests highlight the need for employers across all industries, including those that have historically been disregarded by organized labor, to understand that the NLRA protects employees regardless of whether they are union members.

The Retail and Fast Food Industries

The retail and fast food industries have been historically perceived as paying low wages and offering limited or irregular work schedules for their employees, making these industries a prime target for organized labor. However, unions have faced an uphill battle organizing retail and fast food workers for years. According to organized labor leaders, high turnover in these industries have complicated efforts to muster the support sufficient to file a representation petition with the National Labor Relations Board.

The NLRA

It is important to remember that the NLRA protects union and nonunion employees alike. In fact, Section 7 of the NLRA grants employees the right to “engage in ... concerted activities for the purpose of collective bargaining or other mutual aid or protection.”

A proposed rule requiring employers to post a conspicuous notice advising employees of their workplace rights under the NLRA will likely further serve to drive up employee awareness of this doctrine.

In light of the recent media coverage of this strike activity, as well as the NLRB’s increased focus on the rights of nonunion employees, employers who historically have not spent much time worrying

about the NLRA may have more to worry about in 2013.

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