

## **More on Labor Relations: Correction and Comment**

David B. McCurdy

I must correct an error of fact that appeared in my article, “The Chaplain and Labor Relations” (Summer 2006). I wrote that “employees may not be subjected to ‘closed-door’ or ‘captive audience’ meetings for the purpose of discussing [representation by] the union.” In further research, I have discovered that this statement was incorrect. In the article’s references I also, and erroneously, attributed my misconception to a pamphlet published by the National Labor Relations Board (NLRB).

There are employers who choose not to impose captive audience meetings on their employees, and I mistook this voluntary practice of some for a universal requirement of U.S. labor law. In fact, employers may require employees to attend group anti-union meetings. Further, in captive audience meetings management may argue against unionization without any “right of reply” by employees (or others) who would dispute the employer’s view.<sup>1</sup>

An exception to this broad latitude is the 24-hour period immediately preceding a union election. During that time the employer may not hold mandatory group meetings to discuss unionization. The employer may still—as always—speak against the union to individual employees, and may require their presence in such one-on-one meetings.<sup>2</sup>

Given these realities, the respective advantages afforded by the National Labor Relations Act (NLRA) to labor and management during an organizing campaign line up differently than I had suggested in the article. Readers should subtract a significant protection from the employee side of the labor law ledger and should add a substantial prerogative to the management side.

I regret the errors in the article. I sincerely hope that no readers were adversely affected by relying on misinformation I provided, and that all readers will note this correction.

\* \* \* \* \*

1. See Gordon Lafer, *Free and Fair? How Labor Law Fails U.S. Democratic Election Standards* (Washington, D.C.: American Rights at Work, 2005; accessed at <http://www.araw.org/docUploads/FreeandFair%20FINAL%2Epdf>), 12. Lafer cites cases in which courts have upheld management's right to express its views without opposition in mandatory meetings (p. 30n.).

2. *Ibid.*, 30n.