



# Most Employers Now Required to Post Notice of Employees' Rights to Unionize

August 26, 2011

The National Labor Relations Board has issued a Final Rule requiring most private-sector employers to notify employees of their rights under the National Labor Relations Act by posting a notice. Every employer which does at least \$500,000 of annual business is covered by this Rule, as is every employer which has at least \$50,000 of goods and services purchased or sold out of state. This includes businesses which currently have union representation as well as those that do not. The rule will take on November 14, 2011.

Similar postings of workplace rights are required under other federal workplace laws. The notice is similar in content and design to a notice of NLRA rights that must be posted by federal contractors under a Department of Labor rule. That notice can be found at [http://www.dol.gov/olms/regs/compliance/EmployeeRightsPoster11x17\\_Final.pdf](http://www.dol.gov/olms/regs/compliance/EmployeeRightsPoster11x17_Final.pdf).

The notice of rights will be provided sometime before November 1, 2011, at no charge by NLRB regional offices or can be downloaded from the Board website and printed in color or black-and-white. It must be posted on 11-by-17-inch paper (or two sheets of 8-by-10 inch paper taped together). Employers can also satisfy the rule by posting workplace posters from a commercial supplier. Translated versions will be available, and must be posted at workplaces where at least 20% of employees are not proficient in English.

Employers must also post the notice on an intranet or an internet site if personnel rules and policies are customarily posted there.

Failure to post the notice may be treated as an unfair labor practice under the National Labor Relations Act. The Board investigates allegations of unfair labor practices made by employees, unions, employers, or other persons, but does not initiate enforcement action on its own. There is no provision for any fine for failing to post the notice.

All employers should prepare for implementation of the new rule.

## Practices

- Labor and Employment

## Attorneys

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