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Labor and Employment – Recent Anti-Employer Decisions By The National Labor Relations Board That Affect Non-Unionized Employers

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The National Labor Relations Board currently has three Democrats and one Republican, with one vacancy. It has been both fashionable and accurate to characterize the current NLRB as "pro-union." That characterization, however, is incomplete. The NLRB now is not merely "pro-union" it is also "anti-employer."

Non-unionized employers often perceive federal labor law and the NLRB as irrelevant to them because they do not have unions. That perception, unfortunately, is inaccurate.

Recent decisions affecting non-unionized employers confirm both the NLRB's "anti-employer" orientation and how its decisions can affect non-unionized employers. These decisions portend the direction that the NLRB will pursue during the next four years when there will continue to be a Democratic majority on the NLRB.

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