



News Release

National Labor Relations Board

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NLRB rules that union ‘bannering’ is permitted under labor laws

The National Labor Relations Board has ruled that a union practice of displaying large stationary banners at a secondary employer’s business is not coercive, and so does not violate U.S. labor law.

The decision, dated August 27 and made public today, covers three Arizona cases in which union carpenters held 16-foot-long banners near establishments -- two medical centers and a restaurant -- to protest work being performed for the owners of the establishments by construction contractors that the union claimed paid substandard wages and benefits. Two banners declared “SHAME” while a third urged customers not to eat at the restaurant.

The National Labor Relations Act prohibits conduct found to “threaten, coerce, or restrain” a secondary employer not directly involved in a primary labor dispute if the object of that conduct is to cause the secondary to cease doing business with the primary employer. Under existing precedent, picketing that seeks a consumer boycott of a secondary is coercive and therefore unlawful, whereas stationary handbilling with that same object is not, and is therefore protected speech. The question before the Board was where stationery bannering falls on that continuum.

The Board majority – Chairman Wilma Liebman and Members Craig Becker and Mark Pearce – found that the bannering was not coercive. Dissenting, Members Peter Schaumber and Brian Hayes found that it was. To read the decision, [click here](#).

The union in all three cases is the United Brotherhood of Carpenters and Joiners of America, Local 1506. The cases are *Eliason & Knuth of Arizona, Inc.*, 28-CC-955; *Northwest Medical Center*, 28-CC-956; and *RA Tempe Corporation*, 28-CC-957. The charges were filed in 2003, but recent vacancies at the NLRB delayed the decision-making process. At least 10 additional cases involving the use of banners are currently pending at the NLRB.

The National Labor Relations Board is an independent federal agency vested with the power to safeguard employees' rights to organize and to determine whether to have unions as their bargaining representative. The agency also acts to prevent and remedy unfair labor practices committed by private sector employers and unions.

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