

NLRB RULE THAT CAPTIVE AUDIENCE MEETING TO BE UNLAWFUL AND VIOLATE FEDERAL LAW

The National Labor Relations Board (NLRB) issued a 61 page decision on November 13, 2024 in Amazon.com Services, LLC, that an Employer violated the NLRA by requiring employees under threat of discipline or discharge to attend meeting when the Employer expressed its views on unionization. These meetings are often known as captive-audience meetings. The Board ruled that these required meetings are a violation of Section 8 (a) (1) of the NLRA because they have a reasonable tendency to interfere and coerce employees of the exercise of their Section 7 rights. The Boards' decision overruled Babcock & Wilcox Co., 77 NLRB 577 (1948). This change in the governing standard will be applied prospectively only.\

This is one of the biggest NLRB decisions under the Biden administration by limiting one of Employers' most commonly used tactics for persuading workers not to unionize. The Board's Democratic majority ruled in this case involving Amazon's anti-union campaign at a Staten Island warehouse where workers voted in April 2022 to unionize.

The Board made it clear that an Employer may still lawfully hold meetings with workers to express its views on unionization so long as:

1. Workers are provided reasonable advance notice of the subject of the meeting.
2. The attendance is voluntary with no adverse consequences for failure to attend; and
3. No attendance record of the meeting will be kept.

Amazon maintains that the Board's decision is wrong, that it ignores over 75 years of precedent, contradicts the express language of the NLRA, and violates the First Amendment. Amazon intends to appeal the Boards' decision.



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