The National Labor Relations Act

National Labor Relations Act (NLRA), is the federal law enacted by the United States Congress in July 1935 to govern the labor-management relations of business firms engaged in interstate commerce. The act is generally known as the Wagner Act, after Senator Robert R. Wagner of New York.

Provisions of the Act. The general objective of the act is to guarantee to employees "*the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities for the purpose of collective bargaining or other mutual aid and protection.*" To safeguard these rights and to ensure the orderly exercise of them, the act created the National Labor Relations Board (NLRB), which, among other powers, has the authority to prevent employers from engaging in certain specified unfair labor practices.

Examples of such practices are acts of interference, restraint, or coercion upon employees with respect to their right to organize and bargain collectively; domination of or interference with the formation or administration of any labor organization, or the contribution of financial or other support thereto; discrimination in regard to hiring or dismissal of employees or to any term or condition of employment, in order to encourage or discourage membership in any labor organization; discrimination against any employee for filing charges or giving testimony under the provisions of the act; and refusal to bargain collectively with the representative chosen by a majority of employees in a bargaining unit deemed appropriate by the NLRB.

History After Passage. Before the enactment of the NLRA, the federal government had refrained almost entirely from supporting collective bargaining over wages and working conditions and from facilitating the growth of trade unions. The new law, which was proposed and enacted with the firm support of President Franklin D. Roosevelt, marked a significant reversal of this attitude. First the American Federation of Labor and later the Congress of Industrial Organizations took advantage of governmental encouragement by carrying out nationwide organizational campaigns. Largely as a result of such efforts, the number of organized workers rose from about 3.5 million in 1935 to about 15 million in 1947.

Taft-Hartley Act. In 1947 the attitude of the government and particularly of the Congress, then dominated by a Republican majority, underwent another change and sought to curb the power of organized labor. The change was indicated by the passage of the Labor-Management Relations Act of 1947, introduced in the Senate by Robert Taft of Ohio and in the House by Fred Hartley of New Jersey, and known as the Taft-Hartley Act. This law embodied a series of amendments to the NLRA. It excluded supervisory employees from the benefits and protection of the NLRA and prohibited the states from extending such benefits to supervisory employees. It emphasized the right of all employees not to join a union and not to participate in collective action. It forbade the negotiation of any closed-shop agreement between employers and employees and permitted a union-shop agreement of a limited type only if authorized by state law and voted upon by a majority of the employees in a secret-ballot election. When an employer or employees desire to terminate or modify an existing collective-bargaining agreement, the act required that due notice of such intent be given and that a waiting period of specified length be observed.

It permitted employers as well as employees to petition the NLRB for the holding of elections to determine the collective-bargaining representative of the employees. It required labor unions desiring to use the facilities of the NLRB to file certain organizational and financial data with the NLRB, and it required the officers of such unions to file affidavits certifying that they are not members of the Communist party. It enumerated a group of unfair labor practices and empowered the NLRB to secure injunctions restraining labor unions from the performance of such practices. It also enlarged the board from the original three to five members.

Among the practices engaged in by labor unions that the act classified as unfair either to employers or to employees are the use of restraint or coercion upon employees in the exercise of their rights to organize and bargain collectively or to refrain from any or all such activities, and upon an employer in the choice of a bargaining representative; causing or attempting to cause an employer to discriminate against an employee because of membership or lack of membership in a labor union except under a duly authorized union-shop agreement; refusal on the part of a labor union representing any group of employees to bargain collectively with their employer; requiring employees covered by a duly authorized union-shop agreement to pay initiation fees that the NLRB finds excessive or discriminatory; causing or attempting to cause any employer to pay money or other thing of value for services not performed or not to be performed; and engaging in or inducing or encouraging the employees of any employer to engage in a strike or similar action for the purpose of achieving certain specified aims deemed unfair to employers. The Taft-Hartley Act also prohibited the check off of union dues without the written consent of employees; contributions by employers to union health and welfare funds not under joint labor-management administration; and contributions and expenditures by unions in connection with federal elections, primaries, and conventions. It provided further that anyone whose business or property is injured by a strike or stoppage for a purpose unlawful under the Taft-Hartley Act may sue for damages in the federal or state courts.

Labor Opposition to Taft-Hartley Act. The enactment of the Labor-Management Relations Act of 1947 precipitated a fierce controversy between its opponents, who claimed that the act was designed to paralyze and eventually destroy the labor movement, and its adherents, who contended that the act was essential in order to preserve a proper balance between the powers of labor and those of management. Although the act did not destroy the labor movement, some unions claimed that Section 14(b), permitting a right-to-work law, impeded the organization of unions in states that enacted such legislation.

In 1951 Congress repealed the provision prohibiting any union-shop agreement unless authorized by a majority of the employees in a secret-ballot election. A new provision was substituted allowing such agreements to come into force without approval of the employees, but giving employees the right to petition the NLRB for a secret-ballot election to rescind the union's power to institute a union-shop agreement.

In 1959 amendments to the Taft-Hartley Act banned the secondary boycott, a union agreement not to deal with nonunion shops or handle nonunion goods, and restricted picketing. Such picketing was forbidden if a valid collective bargaining agreement was in effect with another union, if an election had been held within the preceding 12 months to ascertain union representation, or if after 30 days the union did not file for an election to determine representation.

In the 1970s the act was expanded to include employees of the U.S. Postal Service, private health-care facilities, colleges and universities, and law firms, among others. Expanded jurisdiction has brought the act's protection to workers who otherwise would not have such rights.