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Inflation: Labor Board Charge And Petition Activity Continues To Soar

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Last year was [one of the busiest years in recent memory](#) at the National Labor Relations Board (NLRB) from both a union petition and unfair labor practice charge perspective. Union petitions are filed when a workforce desires to have an election on whether it wants to be represented by a union. National union pushes, [like the one at Starbucks](#), gained momentum in 2022.

Unfair labor practice charges typically are filed when an employee or union believes labor law violations have occurred, many times related to election proceedings. No surprise, we saw an uptick there as well. And 2023 looks like it will be seeing its share of activity.

According to [a recent NLRB press release](#) from the NLRB: “During the first six months of Fiscal Year 2023 (October 1–March 31), unfair labor practice (ULP) charges filed across the NLRB’s 48 field offices have increased 16% – from 8,275 to 9,592. After a substantial increase last Fiscal Year, union representation petitions filed at the NLRB for the first six months of Fiscal Year 2023 continue to increase – up to 1,200 from 1,174. In total, 10,792 cases have been filed with the NLRB’s 48 field offices across the country, up 14% over the same period in Fiscal Year 2022.”

The increases so far in 2023 follow a historic rise between 2021 and 2022 on these fronts, as the press release further notes: “Accounting for both ULP and representation petitions, total case intake at the Field Offices increased 23%

in Fiscal Year 2022 – from 16,720 cases in Fiscal Year 2021 to 20,498 cases in Fiscal Year 2022. This increase of 3,778 cases is the largest single-year increase since Fiscal Year 1976 and the largest percentage increase since Fiscal Year 1959.”

What does this mean? It means the recent union resurgence doesn't show any signs of slowing anytime soon. Indeed, in addition to the NLRB charge and petition activity, [strikes are on the rise](#) and are at the highest clip we've seen in years. Plus, [the current NLRB has been issuing union-friendly decisions](#) with plans for [more on the way](#). And [Congress may step in and tilt the labor law landscape](#) even more in organized labor's favor with the PRO Act.

Bottom line: All private sector employers should take note that union organizing and unfair labor practice filings remain extremely active and above any level we've seen in many years – all against a changing legal backdrop widely viewed as being favorable to unions. Companies should consider developing labor relations and contingency plans, or reviewing and updating those plans if they have them already. It's a brave new world out there.