



Unnecessary Roughness: NLRB Calls Foul On Union For Workplace Investigation Interference

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Few things can frustrate human resources professionals or personnel administrators as much as individuals who interfere with a workplace investigation. This often pops up in unionized settings because members can try to “protect” one another by thwarting investigation efforts. A recent [case issued by the National Labor Relations Board](#) (NLRB) offers some welcome news for employers on this front, as the Board held the Teamsters union violated labor law in such an instance.

At issue in the case were allegations that the local union president had [verbally harassed a coworker](#) who was also represented by the union. The company launched an investigation and conducted witness interviews. The employee who allegedly was harassed was approached and threatened by a union official for reporting the incident and participating in the workplace investigation. Another employee who participated in the company investigation as a witness reported to the Teamsters that he received “homemade paper rats” from fellow members as a result. In response to those reports, the union threatened that employee with reprisals.

The Teamsters also issued a communication to members that stated: “We as [] Union Brothers and Sisters do not turn each other in if we have an issue[] we go to a steward or a board member. Turning in fellow Union members is a

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violation of the Union by laws and could result in fines and [sic] black listed from all union jobs.”

In finding these and other actions by the Teamsters towards its members violated the National Labor Relations Act (NLRA), the Board held: “Section 8(b)(1)(A) of the Act makes it an unfair labor practice for a union or its agents to restrain or coerce employees in the exercise of rights protected by the Act.” The Board also determined the union breached its duty of fair representation to all members through its misconduct.

Employers or employees represented by a union who face interference from their union during a workplace investigation should take note of this decision. This case also, unfortunately, is yet another example of a union acting [contrary to the best interest of its members](#). The NLRA protects employers’ and employees’ rights with respect to unions – and the NLRB is vested with authority to prosecute unions’ violations when they occur.