

Union Organizing Threat: Are Worker Centers Labor Organizations?

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In recent years, many “worker centers” have been popping up around the country. As [reported](#) by the *Wall Street Journal*, the centers can act as a “backdoor approach to union organizing.” The *Journal* specifically describes them as follows: “The community groups, called worker centers, are often backed by unions. But they aren’t considered ‘labor organizations’ by law because they don’t have continuing bargaining relationships with employers. That gives them more freedom in their use of picketing and other tactics than unions, which are constrained by national labor laws.” Worker centers are attractive vehicles for unions. Union protests and picketing are limited by federal law. Unions also must file financial disclosures with the Department of Labor (DOL), and they further owe workers a duty of fair representation under the National Labor Relations Act. The centers offer a potential way for unions to circumvent these requirements. Once established, the worker centers often launch protests on behalf of unions, call for higher wages, paid leave, changes in working conditions, etc. In other words, they seek to leverage companies into recognizing unions as bargaining agents for employees or otherwise acquiesce to union demands. Various business groups have cried foul over this “backdoor approach,” and it appears the DOL is now looking into these concerns. *Bloomberg BNA* is [reporting](#) that the Labor Department has launched an investigation into a worker center in Minneapolis to evaluate whether it should be properly classified as a “labor organization” (*i.e.*, a union). To the extent the DOL determines that is the case, it could have a significant ripple effect in light of the fact that there are hundreds of these centers located around the country. Accordingly, this is an important issue to watch on the union avoidance front. Stay tuned.

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