



President Franklin Roosevelt signs the Act on July 5, 1935.

# National Labor Relations Act: How it Began; Where We are Now

by Greg Hinds

**THE NATIONAL** Labor Relations Board (NLRB) is an independent federal agency created and signed into law on July 5, 1935, by Congress, to administer the National Labor Relations Act (NLRA). This Act is the basic law governing relations between labor unions and business enterprises engaged in operations affecting interstate commerce.

The Act guarantees the right of private sector workers to organize and bargain collectively with their employers and to participate in concerted activities to improve their pay and working conditions. Declared constitutional by the Supreme Court in 1937, Congress amended the Act in 1947, 1959 and 1974, each amendment increasing the NLRB's statutory responsibilities.

*"Even the most straight forward cases will go likely in favor of the employer."*

The purpose of the Act is to serve the public interest by reducing industrial strife. In its statutory assignment, the NLRB has two principal functions: (1) to determine and implement the free democratic choice by employees as to whether they desire union representation in dealing with their employers, and (2) to prevent and remedy unfair labor practices.

The Agency does not act on its own motion in either function. It processes only those charges of unfair labor practices and petitions for employee elections

which are filed in the NLRB's 50 regional, sub regional, and resident offices.

(Most of the above information is from the NLRB publication "80 Years of Employee Rights")

Members of the board are appointed by the President with the advice and consent of the Senate. The same process takes place for the appointment of the General Council who is responsible for the investigation and prosecution of unfair labor practice cases. Unfortunately, Peter Robb, our current NLRB General Counsel, is actively looking for new cases to utilize with the hope of overturning old employee friendly yet fair decisions.

We are now at a point where labor unions are dropping charges, or simply not filing unfair labor practices, knowing that even the most straight forward cases will go likely in favor of the employer.

This is just another example that emphasizes the saying "Elections have consequences." ■



Please watch this two-minute video for a quick explanation on how the NLRA came to be.

<https://youtu.be/E7WaT-kmNBE>