

PRACTICE

Labor Relations

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OVERVIEW

LABOR RELATIONS

Working closely with our clients, we develop a team strategy that has proven successful for clients attempting to balance their legal obligations with union matters with their ability to effectively run their businesses. Our team represents a significant number of clients in the manufacturing, college and university, and social service sectors.

To help employers remain union-free, we regularly advise our clients regarding proactive, union-avoidance strategies. We counsel our clients from the nascent stages of organizing drives through union campaigns and elections.

For clients whose employees are represented by unions, we negotiate initial and successive labor agreements, provide advice regarding labor contract administration and grievances, and represent employers in arbitrations and unfair labor practice charges before the National Labor Relations Board.

We also counsel employers to manage their organized workforce to avoid unnecessary disruption, and how to respond to a strike or other concerted activity.

We regularly represent clients before the National Labor Relations Board, Massachusetts Labor Relations Commission, Massachusetts Commission Against Discrimination, Equal Employment Opportunity Commission, Massachusetts Department of Unemployment Assistance, United States Department of Labor, Massachusetts Attorney General's Office, Occupational Safety and Health Administration, as well as state and federal trial and appellate courts.

Chambers USA recognizes our Labor & Employment practice among the most notable in Massachusetts.

How we can help

- *Lawful Union Avoidance Strategies:* The law regarding what employers can say and do to avoid union organizing gets more complicated each year. We will work with you to train your supervisors about

permissible conduct, as well as how to best respond to employee issues so employees do not feel the need to seek assistance from outside parties.

- *Union Election Campaigns*: Sometimes, regardless of an employer's best efforts, a union petition may be filed and an election scheduled by either the National Labor Relations Board (NLRB) or Massachusetts Labor Relations Commission (MLRC). Should that happen to you, Bowditch & Dewey will be by your side, addressing petition and election legal issues and developing the best communications campaign for your employees to educate them about unions and the harm they could cause to their employer and their jobs.
- *Grievances, Arbitrations and Unfair Labor Practice Charges*: For employers with an ununionized workforce, dealing with grievances, arbitration hearings and unfair labor practice charges can be a daily and disruptive reality. We are committed to ensuring that our clients receive cost-efficient and timely legal services that will deliver a favorable outcome to any type of union-related litigation.

EXPERIENCE

Finding a successful new strategy in mid-arbitration

A unionized employer in Massachusetts moved a termination grievance to arbitration. The terminated employee demanded an unconditional reinstatement with full pay and benefits or one year's salary. Despite losing a key witness just prior to the two-day hearing, our defense team called an audible and quickly found and prepared replacement witnesses.

OTHER EXPERIENCE

- Dismissed RICO and common law related claims against a corporation and its officers by a former union steward claiming constructive discharge due to union activities. The First Circuit affirmed the judgment, marking the first time the First Circuit had addressed the issue of NLRB preemption.