

Mandatory Captive Audience Meetings Held Unlawful (For Now)

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On Wednesday, November 13, 2024, the National Labor Relations Board ("NLRB") [held](#) that captive audience meetings violate federal labor law.

Captive Audience Meetings.

A captive audience meeting is a mandatory meeting during working hours with an employee where the company shares information and arguments to discourage organizing or joining a labor union. Several states have passed state laws banning these meetings altogether. But outside the few states that ban it, captive audience meetings were a legal, oft-utilized method to freely communicate with employees about the benefits of remaining a non-unionized workplace. That is no longer allowed on a nationwide, federal level.

The Case.

The NLRB found that captive audience meetings (or, as they characterized them, mandatory anti-union meetings) violate the National Labor Relations Act ("NLRA"). According to the NLRB majority board, captive audience meetings interfere with workers' freedom to exercise their labor rights by compelling them to hear the company view. Now, companies may hold meetings to share their views only if they alert workers to the subject in advance, make it *voluntary* to attend, and do not take attendance. Companies may not penalize employees who skip the meeting.

The case, *Amazon Services LLC*, was decided 3-1. The three board members who voted in favor of outlawing captive audience meetings are Democrats who have controlled the NLRB since 2021 under the current President Biden administration. The lone dissenting board member is a Republican who voted in favor of keeping captive audience meetings lawful.

The Future.

The future is unknown. This ruling may be appealed. But as we indicated in an [article yesterday](#) on other NLRB actions, the agency may be incredibly active over the next few months. That is because we will soon have a new President with the election of Former President Trump, which likely will mean that the NLRB will soon be comprised of a majority Republican board members. Thus, the current NLRB may issue several decisions before that change occurs, which will likely be the law for several years until the next iteration of the NLRB inevitably curtails the changes, including this one. But for now, we know that mandatory captive audience meetings are unlawful under this NLRB precedent.

Companies facing a unionization campaign should seek legal counsel and proceed cautiously before sharing their viewpoints against the union in mandatory or voluntary meetings. If you have any questions about

captive audience meetings or about how to ensure your business remains in compliance with NLRB standards, please reach out to [Caleb P. Setlock](#) or any member of Barley Snyder's Labor Law Practice Team.

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