

News

PARTNER QUOTED BY SHRM ON UNIONS AND VACCINATION POLICIES

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BCLP Partner Anthony George was quoted Aug. 12 by SHRM online (the Society for Human Resource Management) regarding unionized employers bargaining with the union for vaccination policies. At least one union has sued over a mandatory vaccination policy, maintaining that an employer adopted the policy without bargaining long enough. "In some cases, a union will have waived its right to bargain over such a policy by agreeing in the collective bargaining agreement that the employer may unilaterally impose reasonable workplace safety and health rules, often with prior notice to the union and an opportunity to comment," George said. "Such a provision is not uncommon in industrial settings." A recent lawsuit laid the framework for how a union might challenge similar policies in court instead of going to the National Labor Relations Board (NLRB). "Expect more lawsuits like this," George said. In addition, "expect to see unions filing unfair labor practice charges alleging that the employer has unilaterally implemented the policy without first bargaining in good faith."

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