

Wal-mart uses state laws to curb union organizing

For the past several years, members of the UFCW and its subsidiary, OUR Walmart, have taken action with the goal of improving working conditions for associates at Wal-mart stores across the country. Wal-mart's home office is in Arkansas, where recent litigation effectively allows Wal-mart to prohibit most section 7 organizing activities in its stores and on adjacent property. When UFCW engaged in several demonstrations at the home office and at several Arkansas Wal-mart stores, Wal-mart filed an Unfair Labor Practice charge with the NLRB, claiming that the Union violated section 8(b)(1) of the NLRA by unlawfully coercing employees to support the Union. Wal-mart also asked the court for an injunction to stop the demonstrations based on a trespass theory. In an unpublished opinion, the Arkansas Supreme Court sided with Wal-mart, upholding the injunction and modifying it to prohibit entry onto Wal-mart property for "non-shopping purposes" such as "picketing, patrolling, parading, demonstrations, "flash mobs," handbilling, solicitation, and manager confrontations." *UFCW v. Wal-Mart Stores, Inc.*, No. CV-15-900 (Ark. November 17, 2016). The UFCW's argument that the lawsuit should be pre-empted by the NLRA was rejected, despite the dissent's argument that the language of the injunction describes activities which are protected by the NLRA. The NLRB is considering several unfair labor practice charges filed by both the UFCW and Wal-mart against each other over the organizing activities of OUR Walmart; this fight is certainly not over.

ASHER, GITTLER & D'ALBA, LTD.
200 West Jackson Boulevard, Suite 1900
Chicago, IL 60606 – 312.263.1500

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