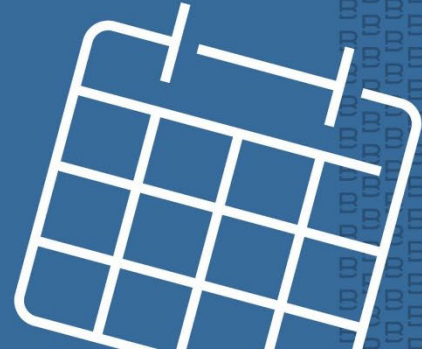


The Work Week

News from the
Bassford Remele
Labor & Employment
Practice Group



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Labor Law in Action

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It's a common misconception that the [National Labor Relations Act](#) ("NLRA") applies only to employers with a unionized workforce. Regardless of union status, the NLRA affords protections and rights to employees, and employers need to be aware of their obligations to employees under the Act. Most notably among these protections are:

- The right of employees to engage in "protected concerted activity" for mutual aid and protection (NLRA Section 7); and
- The right of employees to be protected from unfair labor practices that "interfere with, restrain, or coerce employees" in the exercise of their rights (NLRA Section 8(a)(1)).

Protected Concerted Activity

Broadly, employees are allowed under the law to act with their coworkers to address work-related issues. The National Labor Relations Board ("NLRB") is the federal body responsible for interpreting and enforcing the provisions of the NLRA. According to the NLRB, examples of protected concerted activity by employees include:

- Talking with co-workers about your wages and benefits or other working conditions
- Circulating a petition asking for better hours
- Participating in a concerted refusal to work in unsafe conditions
- Joining with coworkers to talk directly to your employer, to a government agency, or to the media about problems in your workplace

- Using social media to address work-related issues and share information about pay, benefits, and working conditions with coworkers

An employer cannot discharge, discipline, or threaten, or coercively question an employee about such “protected concerted” activity. This could constitute an unfair labor practice violation.

See: <https://www.nlr.gov/about-nlr/rights-we-protect/whats-law>

Practical Tips

Given the reach of these NLRA provisions, employers will be well served to seek labor law counsel to avoid infringing on employee protected rights, particularly in the following circumstances:

- Before disciplining, discharging, or otherwise causing any potentially adverse impact to an employee’s benefits or working conditions when the employee(s) have raised issue about the workplace, including making statements with one or more co-workers—whether in person, in the workplace or online.
- When updating employer policies and handbooks, particularly with respect to limitations on employee engagement, speech, use of social media, confidentiality rules, disparagement clauses, and arbitration obligations.

NLRB Priorities Shift

In January 2026, a new NLRB General Counsel, Crystal Stowe Carey, was appointed by President Trump. Six months into her appointment, General Counsel Stowe Carey offered a preview of her priorities as General Counsel, including addressing an existing backlog of cases—through staff hiring efforts at the NLRB and loosening settlement parameters to facilitate resolution between parties when mutually agreed—and re-examining NLRB precedent in the areas of prohibiting captive audience meetings (*Amazon.com Services, LLC*, 373 NLRB No. 136 (2024)), analysis of unlawful employee handbook provisions (*Stericycle, Inc.*, 372 NLRB No. 113 (2023)), and voluntary recognition of unions (*Cemex Construction Materials Pacific, LLC*, 372 NLRB No 130 (2023)).

Bassford Remele’s [Labor & Employment Practice Group](#) will continue to follow developments in labor law in this new NLRB era and report on any significant updates. Whether your employees belong to a union or not, we are here to provide advice, counsel, and representation on all of your labor and employment needs.

Learn About Our Labor & Employment Practice