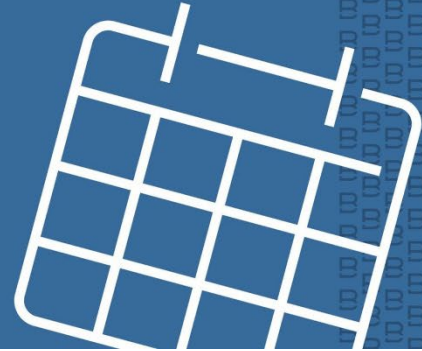


The Work Week

News from the
Bassford Remele
Labor & Employment
Practice Group



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Labor Law Updates: Changes Afoot

[Elisabeth A. Brady](#)

In [July](#) we gave a preview of the anticipated shifting labor law landscape being ushered in by National Labor Relations Board (“NLRB”) General Counsel Crystal Stowe Carey, appointed in January 2026 by President Trump.

As Carey enters the final months of her first year on the job, she has held firm to her stated objectives, reiterating in her recent [August 26, 2026, General Counsel Memo](#) the direction she intends to take as her tenure continues.

Below is the not-so-short list of NLRB position reforms Carey has already taken, and topics on which she still has her sights set for reexamination of existing, President Biden era, precedent.

Positions Taken by the General Counsel

- **Severance Agreements (and other Employment Agreements):** Seeking to unwind standards for when confidentiality or non-disparagement provisions may violate the National Labor Relations Act (“NLRA”).
- **Consent Orders:** Seeking to remove the NLRB ban on acceptance of unilateral “consent orders” resolving an unfair labor practice case.
- **Work Rules:** Seeking to amend the presumptive standard regarding when a facially-neutral work rule is coercive.
- **Captive Audience Meetings:** Seeking to return to prior long-standing precedent allowing employers to hold mandatory employee meetings about unionization.
- **Predictions on Impact Unionization:** Seeking to abandon new test for evaluating whether employer predictions about the impact of unionization constitute unlawful threats.

- **Dress Codes:** Seeking to alter the framework for when and whether dress codes provisions limiting display of union insignia are presumptively unlawful.
- **Waiver of Right to Bargain:** Seeking to deviate from the higher burden “clear and unmistakable waiver” standard for evaluating whether an employer has an obligation to bargain with employees over changed working conditions.

More to Come...Anticipated General Counsel Positions

General Counsel Carey has—in no uncertain terms—stated her intent to challenge the following additional precedents, if the opportunity arises:

- **Bargaining Orders:** Aiming to overrule recent standards relating to voluntary recognition of unions.
- **Employers’ Duty to Bargain Prior to Changing Terms and Conditions of Employment:** Aiming to return to prior standard that had given employers greater latitude to make unilateral changes.
- **Union Dues and Objector Representation Fees:** Aiming to require unions to provide more detailed financial disclosures to union fee objectors.
- **Protected Concerted Activity:** Aiming to move away from the “totality of the circumstances” test for determining whether an employee engaged in protected concerted activity, in favor of a narrower standard.
- **Employers’ Obligation to Discuss Dues/Fees Under Security Agreements After the Contract Expires:** Aiming to return to former standard permitting employers to unilaterally stop union dues checkoff after a collective bargaining agreement expired, rather than honor a dues arrangement until a successor agreement or impasse reached.
- **Novel and Unprecedented Enhanced Remedies:** Aiming to reexamine recent expansion of employee make-whole compensation remedies for all “direct and foreseeable pecuniary harm” suffered as a result of unfair labor practices, such as out-of-pocket medical expenses and credit card debt.

For even more detailed and up-to-the-minute analysis and guidance on this new labor law world order, join us at our upcoming *The Work Week* Seminar on October 27, 2026!

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