

ManuFACTS: The RESPECT Act

Promoting Conflict Between Employee Classes

- **The National Labor Relations Act (NLRA) defines which employees are eligible to participate in union organizing and collective bargaining. It specifically excludes supervisors due to their employee oversight role.**
- **The RESPECT Act, which was introduced in the previous 110th Congress and may be re-introduced in this current Congress, seeks to alter the definition of a supervisor under the NLRA. This seemingly minor change would require mid-level managers to bargain with employees and to adhere to the same wage, benefit and work rules under applicable collective bargaining agreements.**
- **By restricting which employees legally qualify as supervisors under the NLRA for purposes of union organizing and collective bargaining, the RESPECT Act would undermine employers' right to manage their businesses.**
- **For decades, our nation's labor laws have held that front-line supervisors are members of management and, therefore, are not eligible to join a union. If the RESPECT Act were to become law, front-line supervisors would no longer be considered entry-level managers.**
- **The RESPECT Act does far more than simply reverse Supreme Court decisions. This legislation radically overhauls the role of supervisors in the workplace by narrowly defining the duties of supervisory employees so that fewer individuals will qualify for the role.**
- **This bill would create an inherent conflict of interest in the workplace by placing supervisors in the same bargaining units as the employees they supervise.**

How Congress Can Help

- This proposed legislation should not be introduced in Congress.
- Congress should oppose the RESPECT Act or related legislation and uphold the careful balance that was established in our labor law system to promote and facilitate a cooperative and healthy work environment. This bill would severely limit undermine employers' flexibility and effectiveness in managing their workforce.



More Information

The NAM opposes the proposed RESPECT Act because it would have a profound negative effect on all employers, whether union or non-union, as well as their employees. As proposed, the Act:

- **Handicaps Business Operations.** By including supervisors and employees in the same collective bargaining unit, supervisors would be subject to the same union work rules and discipline procedures as the employees they supervise. This prohibits supervisors from performing certain management duties crucial to business operations.
- **Increases Opportunities for Conflict.** Instead of promoting cooperation, the bill would foster greater opportunities for employee intimidation during union organizing drives by allowing supervisors to collect labor union authorization cards from their subordinates.
- **Changes the Balanced Dynamics of Bargaining Units.** Bargaining units would no longer represent the interest of rank-and-file employees. Under the RESPECT Act, the organizing efforts and representational activities of the bargaining unit would be significantly changed. For example, employees may feel pressure to sign union authorization cards that supervisors are responsible for collecting.

- **Expands Employer Exposure to Lawsuits.** Because the NLRA is used to define who is and who is not a supervisor in other areas of employment law, this change would have a broad impact on other employment statutes as well. Employers would be subject to more lawsuits filed not only under the NLRA, but also under the Fair Labor Standards Act, Occupational Safety and Health Act, anti-discrimination laws and other federal and state statutes, regulations and rules that do not define supervisors within those laws but instead rely upon the definitions provided under the NLRA.

Bottom Line

A successful business depends upon a united workforce, including supervisors whose primary role is to manage employees and operations of behalf of employers. The NAM strongly opposes the proposed RESPECT Act, which would undermine this foundation from which positive employer-employee relationships are developed and established.

More Information

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