

Andrew Gordon Reviews NLRB Ruling that Banning an Employee from Wearing a BLM Mark on their Uniform Violated the National Labor Relations Act

In The News | 1 min read

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In a *SHRM* story, Andrew Gordon discussed the significance for employers of a National Labor Relations Board (NLRB) ruling that a home improvement store violated the National Labor Relations Act (NLRA) when it banned an employee from wearing “Black Lives Matter” (BLM) text on their uniform. The NLRB ruled that the store broke the law when it conditioned the worker’s employment on removing the BLM marking, causing the employee to resign after refusing to remove it.

Gordon noted that the NLRB is specifically tasked with protecting the rights of employees in the workplace in cases such as this:

“Because of this, historically, the NLRB has been much more employee-friendly and typically looks for ways to expand employees’ rights in the workplace. It appears the NLRB has decided to use this case as a way to provide employees with even more latitude to engage in what the NLRB considers to be ‘concerted activities’ for ‘mutual aid or protection’ under [Section 7 of the National Labor Relations Act](#).”

Gordon said HR professionals should know that there is no one-size-fits-all solution to various legal issues in the workplace. Employers should seek “practical and pragmatic solutions” to issues rather than taking a hardline approach, he added.

He explained that business organizations, especially those in states lacking widespread union presence like Florida, should be aware that most employers are covered by the National Labor Relations Act. Gordon said, “Workplace activities like the one in this case must be analyzed, at least in part, by considering potential NLRB-related problems with proposed solutions.”

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