

Access to Employer Information

Under the National Labor Relations Act (NLRA), unions have the right to request and receive information from the employer that is relevant to processing grievances.

The right to information stems from the concept that for the grievance procedure to function properly and the union to effectively represent its members, the union needs access to information that will enable it to intelligently evaluate grievances or potential grievances.

The employer, as part of its duty to bargain in good faith, is obligated to provide the requested information. Failure to do so subjects the employer to an unfair labor practice charge under Section 8(a)(5) of the NLRA.

Requirements for having access to employer information are:

- The union must request the information.
- The information requested must be relevant to an actual or suspected grievance.
- No alternative means for obtaining the information is available.
- There are cases where an employee may not be required to provide information to the union, even though the information requested may be relevant. These situations arise when other interests override the union's need for information. They include: employee confidentiality/privacy (employee test scores, medical records) and business interests (trade secrets).
- The request for information need not be in written form. However, it is always a good idea to make the request in writing in order to document the request.
- The employer must provide the requested information to the union in a "timely manner." What is considered "timely" depends on each situation. Failure to provide information in a timely manner may be grounds for an 8(a)(5)-charge.
- The employer will be required to comply with the union's request – so long as the information is in its possession and compliance with the request does not create an undue burden on the employer. For example the cost/time to compile/prepare the information is not unreasonable.
- The information must be provided in a useful form.
- The request for information must be specific and related to the grievance. The union cannot go on a "fishing expedition."
- The duty to provide information also applies to the union as part of its duty to bargain in good faith.

Information You Can Request From The Employer:

| | |
|--------------------------|--------------------------|
| accident records | job descriptions |
| attendance records | material records |
| bargaining notes | payroll records |
| company memos | performance reviews |
| contracts | personnel files |
| correspondence | photographs |
| disciplinary records | reports and studies |
| equipment specifications | salary and bonus records |
| evaluations | seniority lists |
| inspection records | supervisors' notes |
| insurance policies | time study records |
| interview notes | training manuals |
| job assignment records | videotapes |