

Strike4Democracy's National Day of Action and the Impact on the Workplace

Labor & Employment Law Update

By Jeffrey Risch on February 16, 2017

In a protest against President Trump's immigration policies and plans, organizers around the country are coordinating a national protest day set for Friday, February 17th — encouraging workers to “walk out” or “don't work” if they can. Some workplaces are already being impacted, and Friday could be chaotic.

In response to this activity, employers should keep in mind the following:

1. Don't overreact and cause more chaos (remain calm, stay cool);
1. Turn to one's regular attendance policies. For example, a single “no call, no show” in one instance results in what, under the standard attendance policies? Some measure of discipline is generally appropriate / lawful under federal labor law (the National Labor Relations Act) when an employee “strikes” or “boycotts” or “walks off” for a cause that the employer has NO CONTROL over. So, obtain the reason or circumstance behind the absence — did the worker not call in at all, called in sick, or called and said “I'm refusing to come in today”? Employers may treat the workers as they would on any other day of absence; and
1. Be careful — the discipline communication should NOT reference the word “strike” or “boycott” (such language is not helpful, it is just not necessary and will escalate the problem most likely). Simply explain that the absence under the CBA, or policy, requires “X” discipline or “X” points under a points policy. Speak with your trusted advisors to ensure the most appropriate decision is made. Remember, for every action there is a reaction.