

DOL Publishes Final Persuader Rule

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The U.S. Department of Labor (DOL) has published its long-awaited final rule regarding “persuaders” hired by employers during union organizing campaigns. The text of the full rule (clocking in at 446 pages) can be [found here](#). The rule essentially rewrites (although, the DOL uses the word “realigns”) the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA). As stated by the DOL, “This Final Rule requires that employers and the consultants they hire file reports not only for *direct* persuader activities – consultants talking to workers – but also for *indirect* persuader activities – consultants scripting what managers and supervisors say to workers. Workers often don’t know that their employer hired a consultant to manage its message in union organizing campaigns, including by scripting speeches by managers, talking points, letters, and other documents.” DOL Secretary Thomas Perez did not hide his activist ambitions for this dramatic change in long established policy, prominently displaying on the DOL website a quote from the Wizard of Oz, “Pay no attention to that man behind the curtain. The great Oz has spoken,” which the actor Frank Morgan thundered in the famous 1939 movie. Secretary Perez is also quoted on the DOL page saying, “If you believe in what an outside expert drafted for you to say to your employees, if you were willing to pay the outsider to help you say it, then open the curtain and reveal who scripted the message and managed its delivery.” The DOL is quick to add that the new rule does not prohibit employers from hiring consultants or constrain them in what information they can provide; “the Rule simply ensures that employees are given more information about the source of campaign material, which helps them make a more informed choice in exercising their rights.” This rule takes effect on April 25. It will be applicable to arrangements, agreements, and payments made on or after July 1. The DOL has [compiled more information about the rule on its website](#).

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