

Alaska Supreme Court Finds 'Union-Relations' Privilege Protects Communications Between Unions And Employees

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In a unanimous ruling handed down July 20, the [Alaska Supreme Court](#) recognized a “union-relations” privilege implied in the state’s Public Employee Relations Act, the statute governing representation rights of public employees. The Alaska Supreme Court is the first state supreme court to recognize such a privilege, which the Court found protected confidential employee communications with union representatives regarding anticipated or on-going disciplinary or grievance proceedings from forced disclosure.

The Alaska case, *Peterson v. Alaska*, Sp. Ct. No. S-14233 (July 20, 2012), involved a wrongful termination claim brought by an employee. The defending state employer subpoenaed the former employee’s union representative and the union’s file regarding a grievance the employee filed challenging his termination. The Court found that the file was protected from disclosure by the union-relations privilege, finding that “[a]s with attorney-client relationships, there is a strong interest in encouraging employees to communicate fully and frankly with their union representative.”

Notably, although the Court based the privilege on the rights granted by the state’s statute regulating public employee representation, it did not specifically limit the privilege to public employees.

Because it is likely that this decision will be used in other cases to argue that the privilege should be recognized by other states or in non-public union situations, readers of our blog should stay tuned. We will continue to follow developments in this area.

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