

A Quick Guide to Maritime Labor Law

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Dramatis Personae

- Labor Organizations (Unions)
 - ILA/ILWU
 - Teamsters, IBEW and other unions
- Employers
 - Marine terminal operators/associations
- Third Parties
 - Ocean carriers
 - Ports, shippers/cargo interests and others

Basic Rules of Labor Law

- National Labor Relations Act
 - Does not cover public sector employers
 - Covers most private sector employers (except rail and airline)
 - Only covers employees, **not** independent contractors (trucker issues)
 - Does not cover supervisors
- Other U.S. Laws

Basic Rules of Labor Law

- No-strike clauses
 - Must be in contract
 - No effect after contract expiration
 - Must be arbitration clause
 - Does not apply to hand-billing *per se*
- Enforcement
 - Norris-LaGuardia restrictions
 - Coterminous interpretation

Basic Rules of Labor Law

- Mass picketing
 - State court injunctions available
 - Contract no-strike clause unnecessary
 - Limitations on number and location of pickets
 - Must provide for limited picketing opportunity where not blocking ingress or egress

Basic Rules of Labor Law

- Jurisdictional disputes
 - What does “union jurisdiction” really mean
 - Contract jurisdiction issues
 - Representation issues
 - Union legal rights to jurisdiction
 - Union claims permissible but not legally protected
 - Illegal union jurisdiction claims

Basic Rules of Labor Law

- Jurisdictional Disputes (continued)
 - Union versus non-union
 - One union versus another
 - Contract-based disputes
 - Different approaches to resolving
 - NLRB – can take a while
 - Arbitration – consent issues
 - Article XX proceedings – union only

Basic Rules of Labor Law

- Secondary boycotts
 - What is a secondary boycott.
 - Basic prohibited conduct – union may not use certain types of leverage (striking/picketing) of neutral parties (either secondary employers or secondary employees) as an economic weapon against the employer with whom it has a dispute
 - In simple terms – a union generally can't picket an employer's customers to pressure the employer
 - There are significant limitations on this

Basic Rules of Labor Law

- Secondary boycotts (continued)
 - Exceptions to secondary boycott prohibitions
 - Ally doctrine – who is neutral
 - *Moore Dry Dock* – activity limited to primary
 - Non-picketing conduct (handbilling)
 - Remedies
 - 10(l) injunctions by NLRB – but weeks
 - §303 damage claims
 - International secondary boycotts

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