A Quick Guide to Maritime Labor Law

Paul Heylman
Saul Ewing LLP
Washington, D.C.
202-342-3422
pheyilman@saul.com
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
Baltimore
Lockwood Place • 500 East Pratt Street, Suite 900 • Baltimore, MD 21202-3171 • (tel) 410.332.8600 • (fax) 410.332.8862

Boston
131 Dartmouth Street, Suite 501 • Boston, MA 02116 • (tel) 617.723.3300 • (fax) 617.723.4151

Chesterbrook
1200 Liberty Ridge Drive, Suite 200 • Wayne, PA 19087-5569 • (tel) 610.251.5050 • (fax) 610.651.5930

Harrisburg
Penn National Insurance Plaza • 2 North Second Street, 7th Floor • Harrisburg, PA 17101-1619 • (tel) 717.257.7500 • (fax) 717.238.4622

New York
245 Park Avenue, 24th Floor • New York, NY 10167 • (tel) 212.672.1995 • (fax) 212.372.8798

Newark
One Riverfront Plaza • Newark, NJ 07102 • (tel) 973.286.6700 • (fax) 973.286.6800

Philadelphia
Centre Square West • 1500 Market Street, 38th Floor • Philadelphia, PA 19102-2186 • (tel) 215.972.7777 • (fax) 215.972.7725

Pittsburgh
One PPG Place • 30th Floor • Pittsburgh, PA 15222 • (tel) 412.209.2500 • (fax) 412.209.2570

Princeton
750 College Road East, Suite 100 • Princeton, NJ 08540-6617 • (tel) 609.452.3100 • (fax) 609.452.3122

Washington
1919 Pennsylvania Avenue, N.W. Suite 550 • Washington, DC 20006-3434 (tel) 202.333.8800 • (fax) 202.337.6065

Wilmington
222 Delaware Avenue • Suite 1200 P.O. Box 1266 • Wilmington, DE 19899 • (tel) 302.421.6800 • (fax) 302.421.6813