Minicases

1. Trying to Strike a Balance

In order to bargain for the health and safety of employees, the Oil, Chemical and Atomic Workers Union demanded that several employers disclose the generic names of chemical substances used or produced, as well as the medical records of employees. The employers refused, claiming that disclosure would both invade the privacy of employees and compromise trade secrets. With some limitations, the NLRB in 1982 held that the employers did not bargain in good faith when they refused to divulge such information.* While upholding the union's request, the board asserted that few matters could be of greater concern to employees "than exposure to working conditions potentially threatening their health, well-being or their very lives."

However, the board also ruled that the employers could conceal individual employee identities before turning over the medical records and also that the managements did not have to disclose the generic names of chemicals that constituted proprietary trade secrets. Thus, the NLRB attempted to strike a balance between conflicting interests: the employer's desire to protect both worker privacy and trade secrets and the union's need for material information about potentially life-threatening work conditions.

How do you feel about this NLRB decision? ■

**Minnesota Mining & Manufacturing Co.*, 261 NLRB 27 (1982).