

OREGON BUSINESS REPORT:

Employers win victory over union encroachment

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The decision from the U.S. Supreme Court in the case Cedar Point Nursery v. Hassid affirms that small businesses have dominion over their private property and the right to exclude union organizers.

“We are pleased to see the Supreme Court once again protect the property rights of America’s small businesses,” said Karen Harned, Executive Director of NFIB’s Small Business Legal Center. “The Constitution requires that small business owners get compensated when union organizers have access to a business owner’s property and we’re glad to see the Supreme Court protect this important right and not allow the government to interfere with their daily business operations.”

The case questioned whether a California regulation interferes with the “right to exclude,” a fundamental attribute of property ownership. The California regulation allowed union organizers to enter agricultural businesses during specified hours for a certain number of days a year, which NFIB argued is taking private property without just compensation, in violation of the Fifth Amendment’s Takings Clause. NFIB joined the CATO Institute in filing an amicus brief. The Supreme Court agreed with our brief, holding that the regulation interfered with the “right to exclude” and thus constituted a per se physical taking.

The NFIB Small Business Legal Center protects the rights of small business owners in the nation’s courts. NFIB is currently active in more than 40 cases in federal and state courts across the country and in the U.S. Supreme Court.