

United States Department of Labor

Office of Labor-Management Standards

Office of Labor-Management Standards (OLMS)

Form LM-10 Employer and Form LM-20 Consultant Persuader Reporting under the LMRDA

Notice: The U.S. District Court for the Northern District of Texas issued a nationwide preliminary injunction against the persuader rule on June 27, 2016. - [PDF](#)

The Labor-Management Reporting and Disclosure Act (LMRDA) establishes reporting and recordkeeping requirements for employers and labor relations consultants. The transparency created by these requirements is designed to better inform workers in making determinations regarding the exercise of their rights to organize and bargain collectively. With knowledge that the source of the information received is an anti-union campaign managed by an outsider, workers will be better able to assess the merits of the arguments directed at them and make an informed choice about how to exercise their rights.

Under LMRDA section 203(a), an employer must report, on Form LM-10, certain expenditures and activities, including certain specified financial dealings with unions and union officials and agents (see the [Form LM-10 FAQ](#) for further information), as well as any agreement or arrangement with a third party consultant, to persuade employees as to their collective bargaining rights or to obtain certain information concerning the activities of employees or a labor organization in connection with a labor dispute involving the employer. Under LMRDA section 203(b), a labor relations consultant, also, is required to report, on Form LM-20, concerning such an agreement or arrangement with an employer. This requirement is subject to an exemption in section 203(c) of the LMRDA, which states that no one is required to file a report covering the services of a consultant "by reason of his giving or agreeing to give advice" to the employer.

Every person required to file a Form LM-20 also must file an annual Form LM-21 Receipts and Disbursements Report, if any payments were made or received during the fiscal year as a result of arrangements of the kind requiring Form LM-20.

Revised Reporting Requirements

On March 24, 2016, the Office of Labor-Management Standards (OLMS) published a final rule that revises the interpretation of the "advice" exemption of section 203(c) of the LMRDA. This rule expands the reporting required under section 203. See the [Persuader Final Rule page](#) for further information.

For employer-consultant agreements and arrangements entered into on or after July 1, 2016, the parties to the agreement must report if a consultant undertakes, or agrees to undertake, "persuader activities." These are defined as any actions, conduct, or communications that are undertaken with an object, explicitly or implicitly, directly or indirectly, to affect an employee's decisions regarding his or her representation or collective bargaining rights. Under the typical reportable agreement or arrangement, a consultant agrees to manage a campaign or program to avoid or counter a union organizing or collective bargaining effort, either jointly with the employer or separately. The rule also requires consultants to file reports when they hold union avoidance seminars for employers.

Consultant activities that trigger reporting of an agreement or arrangement with an employer include direct contact with employees with an object to persuade them, as well as the following categories of indirect consultant activity undertaken with an object to persuade employees:

1. Planning, directing, or coordinating activities undertaken by supervisors or other employer representatives including meetings and interactions with employees;
2. Providing material or communications for dissemination to employees;
3. Conducting a union avoidance seminar for supervisors or other employer representatives; and
4. Developing or implementing personnel policies, practices or actions for the employer.

See the links to Form LM-10 and Form LM-20 instructions located at the bottom of this page, which provide examples of activities within each of these sub-categories of indirect persuasion.

Exempt "advice" activities are limited to those activities that meet the plain meaning of the term: an oral or written recommendation regarding a decision or course of conduct. Agreements are not reportable if the consultant merely advises or represents the employer. For example, agreements under which a consultant exclusively provides legal services are not to be reported. Representation of the employer before a court or similar tribunal or during collective bargaining negotiations also does not trigger reporting. Other examples of non-reportable agreements include:

- Guidance on employer personnel policies and best practices
- Seminars in which the consultant does not develop or assist the attending employers in developing anti-union tactics or strategies
- "Vulnerability Assessments," including the use of surveys, in which a consultant evaluates an employer's proneness to union-related activity and offers possible courses of action
- Sales pitches
- Sales of "off-the-shelf" materials
- Provision of information for use only in conjunction with an administrative, arbitral, or judicial proceeding

Related Information

- [LMRDA Section 203 and Implementing Regulations](#) (29 CFR Parts 405 and 406)
- [Persuader Reporting Orientation Program \(PROP\)](#)
- [Online Public Disclosure Room](#)
- [Persuader Fact sheet and Other Guidance](#)
- [How to File a Complaint with OLMS](#)
- [Labor Organization Reporting and Disclosure Requirements](#)
- [Contact OLMS for Additional Assistance](#)

- Franchisor-franchisee agreements

The Forms LM-10 and LM-20 must be completed online, electronically signed, and submitted along with any required attachments using the [OLMS Electronic Forms System \(EFS\)](#). They are then made available publicly at the [OLMS Online Disclosure Room](#). See the links below to reach EFS to access, complete, and submit the reports. The Form LM-20 is due 30 days after entering into the persuader or information-supplying agreement or arrangement (except for reports covering union avoidance seminars, which are due 30 days after the completion of the seminar). The Form LM-10 is due 90 days after the completion of the employer's fiscal year. Additionally, the consultant Form LM-21 report is due 90 days after the consultant's fiscal year. Currently, the Form LM-21 cannot be filed electronically. Links to the Form LM-21 and its instructions are available below on this page. **Note:** OLMS has issued a [special enforcement policy](#) covering certain sections of the Form LM-21. [Contact OLMS](#) for assistance on EFS or guidance on the persuader reporting requirements.

For further information on the persuader reporting requirements, [click here](#).

Labor Relations Consultant Reporting (Form LM-20 and Form LM-21)

- Form LM-20 - *Due to the nationwide preliminary injunction issued by the Northern District of Texas on June 27, 2016, the revised, 2016 Form LM-20 will not be applicable until further notice from the Department. Instead, consultants should continue to apply the pre-2016 Form LM-20 and instructions.*
 - [Form LM-20 Facsimile](#) / [Form LM-20 Instructions](#) - PDF
- [Pre-2016 Form LM-20](#) / [Pre-2016 Form LM-20 Instructions](#) - PDF
- Consultant [Form LM-21 Receipts and Disbursements Report](#) and [Instructions](#) (**Note:** OLMS has issued a [special enforcement policy](#) covering certain sections of the Form LM-21.)
 - The Form LM-21 cannot currently be submitted electronically. Please submit completed reports to the mailing address noted within the instructions.

Employer Reporting (Form LM-10)

- Form LM-10 - *Due to the nationwide preliminary injunction issued by the Northern District of Texas on June 27, 2016, the revised, 2016 Form LM-10 will not be applicable until further notice from the Department. Instead, employers should continue to apply the pre-2016 Form LM-10 and instructions.*
 - [Form LM-10 Facsimile](#) / [Form LM-10 Instructions](#)
- [Pre-2016 Form LM-10](#) / [Pre-2016 Form LM-10 Instructions](#)- PDF

Additional Information

- Fact Sheet on Employer-Consultant Reporting
 - [HTML Version](#)
 - [PDF Version](#)
- [Form LM-10 FAQs](#) (which provide information concerning reportable payments to unions and union officials, pursuant to LMRDA section 203(a)(1))
- [May 26, 2016 - Presentation on Forms LM-10 and LM-20 Persuader Reporting](#) - (Video)

Contact Information

- For assistance using the Electronic Forms System (EFS), contact the OLMS Help Desk at (866) 401-1109.
- Contact OLMS with questions regarding Forms LM-10 and LM-20 reporting requirements at (202) 693-0123.
- Contact information for all OLMS field offices is available at: www.dol.gov/olms/contacts/lmskeyvp.htm.
- Email OLMS at olms-public@dol.gov.
- Subscribe to the OLMS mailing list for updates: www.dol.gov/olms/org/olms-mailinglist.htm.

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