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## 29 C.F.R. § 451.3

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### Requirements of section 3(i).

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(a) *Organizations which deal with employers.* (1) The term “labor organization” includes “any organization of any kind, any agency, or employee representation committee, group, association, or plan \* \* \* in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment, \* \* \*.” The quoted language is deemed sufficiently broad to encompass any labor organization irrespective of size or formal attributes. While it is necessary for employees to participate therein, such participating employees need not necessarily be the employees of the employer with whom the organization deals. In determining who are “employees” for purposes of this provision, resort must be had to the broad definition of “employee” contained in section 3(f) of the Act. <sup>[1]</sup> It will be noted that the term includes employees whose work has ceased for certain specified reasons, including any current labor dispute.

(2) To come within the quoted language in section 3(i) the organization must exist for the purpose, in whole or in part, of dealing with employers concerning grievances, etc. In determining whether a given organization exists wholly or partially for such purpose, consideration will be given not only to formal documents, such as its constitution or bylaws, but the actual functions and practices of the organization as well. Thus, employee committees which regularly meet with management to discuss problems of mutual interest and handle grievances are “labor organizations”, even though they have no formal organizational structure. <sup>[2]</sup>

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