

Remedies

If the Board concludes that an unfair labor practice has been committed, the Board is authorized to require a party committing an unfair labor practice "to cease and desist from the unfair labor practice, and to take such affirmative action" as the Board shall order or as is consistent with the policies of the statute.¹ In exercising its broad powers to remedy unfair labor practices, Board orders are remedial "make whole" orders, and are not punitive.² In ordering affirmative action, the task of the Board is to restore the economic status quo, and recreate the conditions and relationships, that would have existed but for the employer's wrongful act.³

The Board has recognized that the awarding of reasonable expenses, including attorneys' fees, to the prevailing party is an appropriate exercise of the Board's remedial power in certain cases. The Board has made such an award in one case where a union engaged in an illegal strike,⁴ and in another case where a school board's action in implementing a teacher employment policy made a mockery of good faith collective bargaining.⁵

¹ 3 V.S.A. §965(d), 3 V.S.A. §1030(d), 21 V.S.A. §1727(d), 21 V.S.A. §1622(d), 21 V.S.A. §1638(d), 33 V.S.A. §3612 (e).

² VSCFF v. VSC, 17 VLRB 1, 17 (1994). Cavendish Town Elementary School Teachers' Association, Vermont-NEA/NEA v. Cavendish Town Board of School Directors, 16 VLRB 378, 391 (1993).

³ VSCFF v. VSC, 17 VLRB at 17. Burlington Education Association v. Burlington School District, 16 VLRB 398, 410-11 (1993).

⁴ Rutland School Board, 2 VLRB 250, 286-87 (1978).

⁵ Cavendish, 16 VLRB at 390-93.