

These guides and the information contained within do not constitute or are intended as legal advice. Please consult a licensed private attorney for specific help with your case.

THE RIGHT TO ORGANIZE

What should you do if you are discriminated against for supporting a union?

Each day, the number of workers who are affiliated with a union grows. They want to obtain a voice at their job in order to gain higher wages and better benefits, health insurance, safety, and respect. The majority of workers have the legal right, under Article 7 of the National Labor Relations Act (NLRA) to join or to support a union and to participate collectively in order to make agreements.

This includes the right to:

- Attend meetings to discuss joining a union;
- Read, distribute, and discuss material about the union, (provided it is done at off work locations and not during work hours, such as breaks and lunch time);
- Wear union buttons, shirts, pins, hats, or other articles of clothing at work and in the majority of places of work.
- Sign a card that asks that the company recognize and to arrive at an agreement with the union;
- Sign petitions or present grievances related to salary, hours, work conditions, and other aspects of employment;
- Ask other employees to support the union, sign union cards, petitions, or present grievances;

Article 8 of the NLRA declares that your company cannot legally punish or discriminate against any worker participating in union activity. The company cannot threaten or fire, suspend, discipline, change the work site, or reassign workers just because they support a union. The companies cannot prefer employees that do not support a union, nor favor them with promotions, employee assignments, salary, or other improvements in working conditions. The company cannot suspend employees or decrease benefits or privileges they already have, in order to deter union activity.

This is the law, but legal or illegal, companies habitually create conflict in the workplace to prevent the workers from forming unions. If you believe your company has violated your right to have a voice at work, you can get help from a union to file a complaint with the National Labor Relations Board (NLRB). The complaint can be presented within 6 months of the suspected illegal conduct. The NLRB can order the company to stop interfering with the rights of employees, to pay back wages, or to rescind any action taken against the worker for union activity.

To obtain forms necessary for filing complaints, you can contact the NLRB at 1-866-667-NLRB.

To help your cause, write down any incident or threats made by the company, harassment, or punishment of workers for trying to form a union. The details should include the hour, the date,

the place, a description of the incident, who it affected, and names of witnesses, if any. Report the incidents immediately to a union or its organizing committee.