



YOUR LEGAL RIGHTS TO ORGANIZE

It's helpful for an organizer to know what protections you have under U.S. labor law. Enforcing your basic rights can be a good way to show your co-workers that the boss isn't all-powerful. The law is not a silver bullet; some of its protections and penalties are weak, and court cases can drag on for years. Still, it's an important tool in your kit.

Often you don't have to go to court to enforce the law. Simply knowing and asserting your rights can have a powerful effect. Remember the meatpacking plant described at the beginning of this lesson? Managers objected to union meetings in the cafeteria, but workers knew the law was on their side. After 100 people signed a grievance saying so, managers backed off.

ON THE JOB

Most private sector workers' rights on the job are protected by a federal law, the National Labor Relations Act. (It doesn't cover agricultural workers, domestic workers, independent contractors, or supervisors. Airline and railroad workers are covered by a separate, similar law, the Railway Labor Act.)

Concerted activity. The NLRA protects your right to engage in "concerted activities for the purpose of collective bargaining or other

mutual aid or protection"—in other words, to take action with at least one other person to improve conditions at work.

Protected concerted activities include filing grievances, complaining about contract violations, holding rank-and-file meetings, visiting the boss in a group on non-work time, petitioning, wearing buttons, and other ways of pressuring the boss. You have these rights whether or not there's a union at your workplace.

Management or union officials may not harass you by spying on you or interrogating you about rank-and-file meetings or other protected activities. Neither your employer nor your union may lawfully discipline you for exercising your rights.

Bargaining and strikes. Some rights are different depending on whether or not you have a union. In a union workplace, the employer is obligated to bargain with the union and to answer information requests. There's no such obligation in a non-union workplace.

On the other hand, non-union workers have the right to strike at will—though this is taking a big risk. Union members are usually bound by contract language not to strike till the contract expires.

WHAT IF I WORK IN THE PUBLIC SECTOR?

If you work for the government, you're not covered by the NLRA unless you're a Postal Service employee. But most public employees are covered by federal or state laws modeled on the NLRA.

You can find the law for federal employees at flra.gov/statute, and the state laws at bit.ly/StateUnionLaws.

Government workers also have free speech protections under the First Amendment if they are speaking about matters of public concern. That's in addition to any union contract protections.



Distributing literature. You may distribute leaflets at work in non-work areas, on non-work time. Non-work areas include the parking lot, the time clock, the cafeteria, or anywhere people go on break outside the work area. Soliciting signatures on a petition may be done in working areas on non-work time as long as no literature is passed out.

You may use company-provided, general-use bulletin boards to post literature and notices. If workers can post things like cartoons, event flyers, or order forms for Girl Scout cookies, it's a general-use board. Rules that forbid posting union-related literature, or that the boss creates in response to union or rank-and-file activity, are illegal.

The National Labor Relations Board (NLRB) may allow employers to prohibit the distribution of literature that criticizes the employer's product or services in a way unrelated to labor issues, if the primary target of that literature is the customer base or general public.

Online. Internet conversations between co-workers—such as Facebook posts, tweets, or blogs—get the same protections as face-to-face conversations about wages, hours, and working conditions.

If your rights are violated, you may file a charge at the NLRB. If the Regional Office decides your case has merit, it will schedule a hearing and provide a lawyer to prosecute it. Your charge must be filed within six months of the date your rights are violated.

But remember, the wheels of justice turn slowly. When in doubt, think like an organizer, not like a lawyer.

IN THE UNION

If your union includes private sector workers, your rights inside the union are protected by the Labor-Management Reporting and Disclosure Act. (If your union represents exclusively public sector workers, the laws vary by state.)

Free speech. You have the right to meet, organize, and speak freely. Union officials may not disrupt rank-and-file meetings or distribution of literature. You have the right to speak at union meetings, subject to reasonable rules (such as Robert's Rules of Order).

Elections. You have the right to an equal opportunity to vote, nominate candidates, and run for union office. You have the right to a secret-ballot vote on increases in local union dues, initiation fees, and assessments.

Contracts. You have the right to receive, upon request to your local, a copy of your contract, and the right to inspect all contracts that your local administers.

Union financial statements. Every private sector union must file an annual financial statement with the U.S. Department of Labor containing officer salaries and expenses and other union expenses and income. The report, known as the LM-2, LM-3, or LM-4 (depending on the union's size), is a public document and can be obtained online at bit.ly/UnionSearch.

Defending your rights. Unfortunately, the law is nothing more than words on paper unless you can enforce it. A great resource for actually enforcing your rights is the Association for Union Democracy. Visit its website at uniondemocracy.org.

