



UNFAIR LABOR PRACTICES: **35 THINGS YOUR BOSS CANNOT DO**

1. Attend any union meeting, park across the street from the hall or engage in any undercover activity which would indicate that the workers are being kept under surveillance to determine who is and who is not participating in the union.
2. Tell workers that the company will fire or punish them if they engage in union activity.
3. Lay off, discharge, and discipline any worker for union activity.
4. Grant workers raises, special deals, or benefits in order to keep the union out.
5. Stop worker-union representatives from asking workers to join the union, on or off the company property during non-working hours.
6. Ask workers about union matters, meetings, etc.
7. Ask a worker what they think about the union or a union rep after the worker refuses to discuss it.
8. Ask workers how they intend to vote in a union election.
9. Threaten workers for participating in union activities. (Some examples: threaten to move the plant or close the business, reduce operations or reduce workers' benefits).
10. Promise benefits to workers if they reject the union.
11. Give financial support or other assistance to a union.
12. Announce that the company will not deal with the union.
13. Threaten to close, in fact close, or move a plant to avoid dealing with a union.

14. Ask workers whether they belong to a union.
15. Ask a worker, during the hiring interview, about their affiliation with a labor organization or how they feel about unions.
16. Make anti-union statements or act in a way that might show preference for a non-union worker.
17. Discriminate between union and non-union workers when assigning overtime work or desirable work.
18. Purposely team up non-union workers and keep them apart from union supporters.
19. Transfer workers because of union affiliations or activities.
20. Choose workers to be laid off to weaken the union's strength or discourage membership in the union.
21. Discriminate against union people when disciplining workers.
22. Create conditions intended to get rid of a worker because of their union activity.
23. Fail to give a worker a scheduled raise because of their union activity.
24. Deviate from company policy for the purpose of getting rid of a union supporter.
25. Take an action that negatively affects a worker's job or wage rate because of union activity.
26. Threaten or force workers to vote against the union.
27. Threaten a union member through a third party.
28. Promise workers a reward or future benefit if they vote against the union.
29. Tell workers overtime work (and premium pay) will be stopped if the company is unionized.
30. Say unionization will force the company to lay off workers.
31. Say unionization will force the company to eliminate vacations or other benefits and privileges that the company currently offers.
32. Promise workers promotions, raises or other benefits if they get out of the union or refrain from joining the union.
33. Start a petition against the union or encourage its circulation if started by workers.
34. Urge workers to persuade others to oppose the union.
35. Visit the homes of workers to urge them to reject the union.

Your Right to Form a Union

If a majority of workers want to form a union, they can select a union in one of two ways:

1. The workers can file a petition with the National Labor Relations Board (NLRB) saying they want a union, and the NLRB will conduct an election. If a majority of those who vote choose the union, the NLRB will certify the union as your representative for collective bargaining.
2. An election is not the only way a union can become your representative. Your employer may voluntarily recognize a union based on evidence – typically signed union-authorization cards – that a majority of employees want it to represent them.

Once a union has been certified or recognized, the employer is required to bargain over your terms and conditions of employment with your union representative. Special rules apply in the construction industry that allow employers to sign without the NLRB election process and without authorization cards.

Your Rights during Union Organizing

You have the right to organize a union to negotiate with your employer over your terms and conditions of employment. Your “right to organize” includes your right to distribute union literature, wear union buttons, t-shirts, or other insignia (except in unusual “special circumstances”), ask coworkers to sign union authorization cards, and discuss the union with coworkers. You can’t be fired, disciplined, demoted, or penalized in any way for engaging in these activities.

Working time is for work, so your employer may maintain and enforce non-discriminatory rules limiting solicitation and distribution, but your employer cannot prohibit you from talking about or soliciting for a union during non-work time (before or after work or during break times); or from giving out union literature during non-work time, in non-work areas, such as parking lots or break rooms.

Your employer cannot prohibit you from talking about the union during working time if it already allows you to talk about other non-work-related matters during working time. For example, if you’re allowed to talk about the Buffalo Bills during working time the employer can’t prohibit you from talking about the union during working time.

