HERE IS THE LAW

YOUR PROTECTION

NLRA SECTION 8. (a)

It shall be an unfair labor practice for an employer;

To interfere with, restrain or coerce employees in the exercise of the rights guaranteed in section 7.

By discrimination in regard to hire or tenure of employment to encourage or discourage membership in any labor organization.

WHAT THIS MEANS

- It means that employees are supposed to have a FREE CHOICE in deciding whether they want to use their right to organize. Anything that an employer does to interfere with this free choice is against the law.
- An employer is not to supposed to question employees, or even to find out, how employees feel, who signed cards, which employees are pushing the union, who attended meetings, what went on at meetings, etc. It is none of their business.
- It means that an employer cannot take away, or threaten to take away, any benefits which an employee already has because of their union activity.
- It means that it is illegal for an employer to penalize an employee in any manner because of his/her union activity or belief. This includes such things as cutting out overtime, transferring to a less desirable job, suspension, or discharge. (If an employer does any of these things, and it is proven that it was done because of union activity, the employer must reinstate the employee to his/her former position without loss of seniority and pay him/her all lost wages, plus interest.)

Operating Engineers 101
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HERE IS THE LAW

YOUR RIGHTS

NLRA SECTION 7.

Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

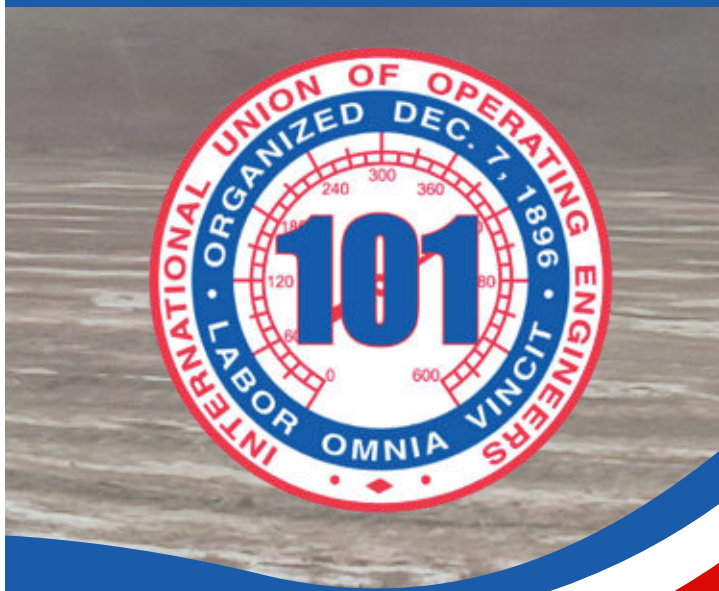
WHAT THIS MEANS

- It means that employees have the legal right to help organize, to join and to support a union of their own choosing. This includes such activities as signing a union card, getting others to sign cards, attending union meetings, wearing union buttons, passing out union literature and talking union to other employees.
- It states that employees have the legal right to join together and work as a team in order to help each other.
- It states that employees have the legal right to deal with their employer as a group, rather than individually.
- It gives the employees the legal right to take such group action as they feel necessary in order to gain their desired goals so long as these actions do not violate any other laws.
- It does not mean that employees have the right to carry on union activities during working hours or to allow their union activities to interfere with their jobs. (For purpose, break time and lunch time are not considered as working hours.)

IUOE LOCAL 101 Kansas City

www.IUOELocal101.org

35 THINGS YOUR EMPLOYER CANNOT LEGALLY DO



DID YOU KNOW?

THE EMPLOYER CANNOT:

1. Attend any union meeting, park across the street from the hall or engage in any undercover activity which would indicate that the employees are being kept under surveillance to determine who is and who is not participating in the union program.
2. Tell employees that the company will fire or punish them if they engage in union activity.
3. Lay off, discharge, or discipline any employee for union activity.
4. Grant employees wage increases, special concessions, or benefits to keep the union out.
5. Bar employee-representatives from soliciting employee's memberships on or off the company property during non-working hours.
6. Ask employees about union matters, meetings, etc. (Some employees may, of their own accord, walk up and tell of such matters. It is not an unfair labor practice to listen, but to ask questions to obtain additional information is illegal.)
7. Ask employees what they think about the union or a union representative once the employee refuses to discuss it.
8. Ask employees how they intend to vote.
9. Threaten employees with reprisal for participating in union activities. For example, threaten to move the plant or close the business, curtail operations or reduce employee's benefits.
10. Promise benefits to employees 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 the plant/company to avoid dealing with the union.
14. Ask employees whether they belong to a union or have signed up for union representation.
15. Ask an employee, during the hiring interview, about his/her affiliation with a labor organization or how he/she feels about unions.
16. Make anti-union statements or act in a way that might show preference for a non-union person.
17. Make a distinction between union and non-union employees when assigning overtime work or desirable work.
18. Purposely team up non-union employees and keep them apart from those supporting the union.
19. Transfer workers based on union affiliations or activities.
20. Choose employees to be laid off to weaken the union's strength or discourage membership in the union.
21. Discriminate against union people when disciplining employees.
22. By nature of work assignments, create conditions intended to get rid of an employee because of his/her union activity.
23. Fail to grant a scheduled benefit of wage increase because of union activity.
24. Deviate from company policy for the purpose of getting rid of a union supporter.
25. Take action that adversely affects employee's job or pay rate because of union activity.
26. Threaten workers or coerce them in attempt to influence their vote.
27. Threaten a union member through a third party.
28. Promise employees a reward or a future benefit if they decide "no union."
29. Tell employees overtime work (and premium pay) will be discontinued if the plant/ company is unionized.
30. Say unionization will force the company to lay off employees.
31. Say unionization will do away with vacation or other benefits and privileges presently in affect.
32. Promise employees promotions, raises, other benefits if they get out of the union or refrain from joining the union.
33. Start a petition or letter against the union or encourage or take part in its circulation if started by employees.
34. Urge employees to try to induce others to oppose the union or keep out of it.
35. Visit the homes of employees to urge them to reject the union.

It is unlawful for your employer, supervisor, or foreman to interfere with, restrain or coerce employees seeking to organize or join a union. Any of the acts listed above constitutes a violation of the National Labor Relations Act, as amended.