

The National Labor Relations Board and YOU

Unfair Labor Practices



This pamphlet contains a general explanation of what the National Labor Relations Board is and what it does with respect to the processing of unfair labor practice charges. Although the pamphlet cannot provide answers to all questions, it does contain useful information which will be helpful to you.

What is the National Labor Relations Board?

We are an independent federal agency established to enforce the National Labor Relations Act (NLRA).

As an independent agency, we are not part of any other government Agency—such as the Department of Labor.

What Are Your Rights As An Employee Under the NLRA?

Examples of Your Rights As An Employee Under the NLRA Are:

Forming, or attempting to form, a union among the employees of your employer.

Joining a union whether the union is recognized by your employer or not.

Assisting a union in organizing your fellow employees.

Engaging in protected concerted activities. Generally, “protected concerted activity” is group activity which seeks to modify wages or working conditions.

Refusing to do any or all of these things. However, the union and employer, in a State where such agreements are permitted, may enter into a lawful union-security clause requiring employees to join the union.

The NLRA forbids employers from interfering with, restraining, or coercing employees in the exercise of rights relating to organizing, forming, joining or assisting a labor organization for collective bargaining purposes, or engaging in concerted activities, or refraining from any such activity. Similarly, labor organizations may not restrain or coerce employees in the exercise of these rights.

Examples of Employer Conduct Which Violate the NLRA Are:

Threatening employees with loss of jobs or benefits if they join or vote for a union or engage in protected concerted activity.

Threatening to close the plant if employees select a union to represent them.

Questioning employees about their union sympathies or activities in circumstances that tend to interfere with, restrain or coerce employees in the exercise of their rights under the Act.

Promising benefits to employees to discourage their union support.

Transferring, laying off, terminating or assigning employees more difficult work tasks because they engaged in union or protected concerted activity.

Examples of Union Conduct Which Violate the NLRA Are:

Threats to employees that they will lose their jobs unless they support the union's activities.

Refusing to process a grievance because an employee has criticized union officers.

Fining employees who have validly resigned from the union for engaging in protected activity following their resignation.

Seeking the discharge of an employee for not complying with a union shop agreement, when the employee has paid or offered to pay a lawful initiation fee and periodic dues.

Refusing referral or giving preference in a hiring hall on the basis of race or union activities.



What We Do Not Do . . .

We do not enforce—

Various federal laws within the jurisdiction of the Department of Labor. For example:

- Fair Labor Standards Act
- Wage Garnishment Provisions of Various Statutes
- Public Contracts Act
- Service Contract Act
- Davis-Bacon and Related Acts
- Contract Work Hours and Safety Standards Act.

Various state laws relating to employment. For example:

- Unemployment Compensation Statutes
- Workman's Compensation Statutes
- Equal Employment Statutes.

Various statutes within the jurisdiction of the Equal Employment Opportunity Commission.

IF YOU HAVE ANY QUESTION ABOUT THE RELATIONSHIP OF THESE LAWS TO OUR AGENCY OR THE APPLICATION OF OUR LAW TO YOUR SITUATION, PLEASE SEE THE INFORMATION OFFICER.

Are You Excluded From the NLRA's Coverage?

The NLRA specifically excludes from its coverage individuals who are:

- employed as agricultural laborers.
- employed in the domestic service of any person or family in a home.
- employed by a parent or spouse.
- employed as an independent contractor.
- employed as a supervisor.
- employed by an employer subject to the Railway Labor Act.
- employed by a Federal, State or local government.
- employed by any other person who is not an employer as defined in the NLRA.

IF YOU HAVE ANY QUESTION ABOUT WHETHER YOU ARE EXCLUDED FROM THE NLRA'S COVERAGE, PLEASE SEE THE INFORMATION OFFICER.

When Do We Take Action?

If you have any question regarding your work situation that you would like to discuss with this Agency, our Information Officer will be happy to speak with you. The Information Officer is a professional who is experienced in the investigation of unfair labor practice charges. The Information Officer can be contacted by phone, mail or in person to discuss the question which you wish to

present to the Agency. The Information Officer can provide you with information which will assist you in deciding whether or not to file an unfair labor practice charge.

If you wish to file a charge, we can provide you with the appropriate forms and assistance in completing these forms.

You should be aware that the Act provides that allegations of unfair labor practice violations must be filed and served within 6 months of the occurrence of the conduct alleged as violative.

What Can You Expect, If You File a Charge?

If you file a charge, you should be prepared to tell us the name and address of the employer or union against whom you are filing the charge. In addition, you must tell us the nature of your complaint. You will be required to state your current address on the charge form as well as sign the charge.

A copy of the charge will be served upon the employer or union against whom you are complaining.

After the charge is filed, we will receive your evidence in support of the charge. Receipt of your evidence, including sworn statements, may occur at the time you file the charge. If this does not happen, an NLRB agent will contact you shortly after the charge is filed for the purpose of receiving your evidence in support of the charge.

If sufficient evidence is revealed to warrant the continuation of the investigation, the Board agent assigned to your case will contact other witnesses who possess relevant information and the charged union or employer

Following the investigation of this matter, a review of the evidence will be made. If it appears that no violation of the NLRA has taken place, the Board agent will ask you to withdraw the charge. If you decide not to withdraw, the Regional Office will dismiss your charge. You will then have the opportunity, if you desire, to appeal the Region's dismissal to the Office of Appeals in Washington, D.C.

If after reviewing the evidence it appears that a violation has occurred, the charged employer or union will be asked to remedy the violation. If the charged party refuses to voluntarily remedy the matter, a formal complaint will issue against the charged party and the case will be set for a hearing before an Administrative Law Judge. During the hearing evidence will be presented concerning the allegations of the complaint. The hearing before the Administrative Law Judge and its possible review by the Board or U.S. Courts will determine what, if any, remedy you may receive as a result of your charge.

NLRB Offices:

Our office addresses are located in the telephone directory under the United States Government, National Labor Relations Board.

The address and phone number of the office closest to you is: