



RIGHTS OF WORKERS WHEN ORGANIZING



All workers—union and non-union, documented and undocumented—have the right to organize themselves and collectively bargain.

This is stated and defined in **Section 7** of the **National Labor Relations Act (NLRA)**:

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...

Q Examples of the rights protected by Section 7 X

- Forming or attempting to form a union among the employees of a company
- Joining a union whether the union is recognized by the employer or not
- Assisting a union to organize the employees of an employer
- Going out on strike to secure better working conditions
- Refraining from activity on behalf of a union

It is illegal to retaliate against workers for exercising the above rights.

- In their quest for profits, bosses may break the law by retaliating. This is a risk that comes with workplace organizing.
- According to the NLRB, employers cannot threaten to call ICE because an undocumented worker tries to join a union. They also cannot ask for new immigration papers if an undocumented worker is caught talking with coworkers about working conditions.
- Our best defense is each other. The risk of getting isolated by the boss is reduced if more workers are involved in organizing efforts.

Interfering with the exercise of Section 7 rights constitutes an Unfair Labor Practice (ULP).

According to Section 8(a), it is a ULP for an employer:

- To interfere with two or more employees acting in concert to protect rights provided for in the Act, whether or not a union exists
- To interfere with the formation or administration of a labor organization
- To discriminate against an employee for engaging in concerted or union activities
- To discriminate against an employee for filing charges with the NLRB or taking part in any NLRB proceedings
- To refuse to bargain with the union that is the lawful representative of its employees

Anyone who believes that Section 7 rights have been violated can file a charge with the NLRB within six months of the violation.

Workers on ULP strikes cannot be permanently replaced (as opposed to strikes in support of economic demands). Employers must reinstate strikers.

The rights listed above represents a small legal foothold that workers have in an unorganized sector like the restaurant industry. Workers must know that these rights exist in order to be able to use them to our advantage.

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