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The Right To Organize and Join a Union

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1. Can I Organize and Join a Union?

   The right to organize and join a union is, for most employees, a fundamental employment protection under federal and state "labor" laws. The labor law that covers your situation depends upon the kind of jobsite you work in (public vs. private, small, local business vs. larger corporation). A major benefit of union membership is that an employee who is covered by a union contract is no longer employed "at-will," meaning that the employer no longer can fire the employee for any reason or for no reason at all. Unions also can negotiate with employers to obtain benefits, such as health care coverage, vacation and sick pay, and seniority, which employers are not otherwise legally required to provide. This Fact Sheet explains general principles of labor laws.

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2. What Kinds of Organizing Activity Are Protected?

   Federal and state labor laws prohibit most employers from coercing, prohibiting, or otherwise interfering with employees' protected organizing activities. Activities that are protected include:

   - attending meetings to learn about the union, devise organizing strategies and support each other.
   - reading and distributing union literature in non-work areas (such as parking lots) during non-work time (e.g. breaks, lunch, after work).
   - talking about the union on work time, as long as your employer allows you to talk about other non-work related issues (such as sports, movies, family) on work time.
   - getting on a union information mailing list.
   - signing an authorization card asking your employer to recognize and bargain with your union.
   - signing petitions or file grievances about wages, working conditions, and other job issues.
   - asking other employees to support the union, to sign authorization cards or petitions and to file grievances.

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3. Can My Employer Take Action Against Me for Organizing?

   The law forbids most employers from taking actions meant to discourage union activity. Your employer is violating the law if it:

   - threatens to or actually fires, lays off, refuses to hire, disciplines, harasses, transfers or
   - reassigns you because of your support of a union, or for reading and distributing union literature in non-work areas (such as parking lots) during nonwork time (for example, breaks, lunch, after work), or for getting on a union information mailing list, or for signing petitions or file grievances about wages, working conditions, and other job issues.
   - favors those workers who do not support the union by giving them awards, promotions, better job assignments, wage increases, improved hours and working conditions, or by applying uneven enforcement of work rules.
   - shuts down your worksite or reduces your benefits and privileges to discourage union organizing or activity.
   - promises you a pay increase, promotion, benefit, or special favor if you agree to oppose the union or give up your union rights.
   - questions you about your union membership or activity in a way that intimidates you.
   - spies or pretends to spy on union gatherings.

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4. What Can I Do if My Employer Takes Action Against Me for Organizing?

   If your employer takes action against you for organizing or joining a union, you can file an "Unfair Labor Practice" charge against the employer. California state and local government workers can file a chare with the Public Employees Relations Board. Other (private sector)

workers can file a charge with the National Labor Relations Board. You should contact those agencies for information regarding the timing and procedure for filing the charge.

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For further information about your employment rights, contact the Workers' Rights Clinic.

Disclaimer

This Fact Sheet is intended to provide accurate, general information regarding legal rights relating to employment in California. Yet because laws and legal procedures are subject to frequent change and differing interpretations, the Legal Aid Society–Employment Law Center cannot ensure the information in this Fact Sheet is current nor be responsible for any use to which it is put. Do not rely on this information without consulting an attorney or the appropriate agency about your rights in your particular situation.