

# YOUR RIGHT TO UNIONIZE



Your right to unionize is protected by U.S. Federal Law. Unfortunately, many employers take advantage of the fact that most Americans aren't familiar with their rights under the National Labor Relations Act (NLRA).

The truth is that the NLRA is not that complicated and a simple understanding of the law and the rights it ensures for working Americans can make a huge difference whether or not you are successful in starting a union.

## What are your rights to unionize under the National Labor Relations Act (NLRA)?

**Section 7** of the NLRA guarantees you have the right to organize a union to negotiate with your employer over your terms and conditions of employment. This includes your right to distribute union literature, wear union buttons t-shirts, solicit coworkers to sign union authorization cards, and discuss the union with coworkers.

**Section 8** of the NLRA states that supervisors and managers cannot spy on you (or make it appear that they are doing so), question you, threaten you or bribe you regarding your union activity or the union activities of your co-workers. You can't be fired, disciplined, demoted, or penalized in any way for engaging in these activities.

Your employer cannot prohibit you from talking about or soliciting for a union during non-work time, such as before or after work or during break times; or from distributing union literature during non-work time, in non-work areas, such as parking lots or break rooms. Also, restrictions on your efforts to communicate with co-workers cannot be discriminatory. For example, your employer cannot prohibit you from talking about the union during working time if it permits you to talk about other non-work-related matters during working time.

**If you believe your rights or the rights of others have been violated**, you should contact the National Labor Relations Board promptly to protect your rights, generally within six months of the unlawful activity. You may make inquiries of the NLRB without your employer or a union, or anyone else being informed of the inquiry.

## The right to unionize is also protected by the U.S. Constitution

Unionizing your workplace isn't just protected by the National Labor Relations Act -- it's protected by the U.S. Constitution. The First Amendment of the Constitution, which guarantees the freedom of speech, assembly, and petition, also guarantees freedom of association and is recognized by U.S. courts as a fundamental right. The freedom of association encompasses the right of the group to take collective action to pursue the interests of its members. For this obvious reason, the constitutionally protected freedom of association includes unionization and union-related activities.

Additionally, the freedom of association for the advancement of shared values is inseparable from "liberty" assured by the Due Process Clause of the Fourteenth Amendment.

When politicians make it harder to join a union and employers use union-busting tactics, they're not just violating federal law, they're infringing on our constitutional right to unionize. Period.

### What is the NLRA?

The National Labor Relations Act of 1935 is the foundational statute of labor law in the United States. The NLRA guarantees the right of employees to organize into unions, engage in collective bargaining, and take collective action. Under the NLRA, workers 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 and protection.



More resources at [LaborLab.us](https://LaborLab.us)

