

The National Labor Relations Board



**Helping workers, employers, and unions
“Bridge the Divide” to a better future.**

Elizabeth Kerwin, Regional Director,
Region 7 Detroit and Grand Rapids

October 21, 2022



We're an independent federal agency that protects the rights of private-sector employees to join together, with or without a union, to improve their working conditions.

We protect employees' rights to:



- engage in group efforts to improve their wages and working conditions
- determine whether they want to be represented by a union
- engage in collective-bargaining
- refrain from any of these activities

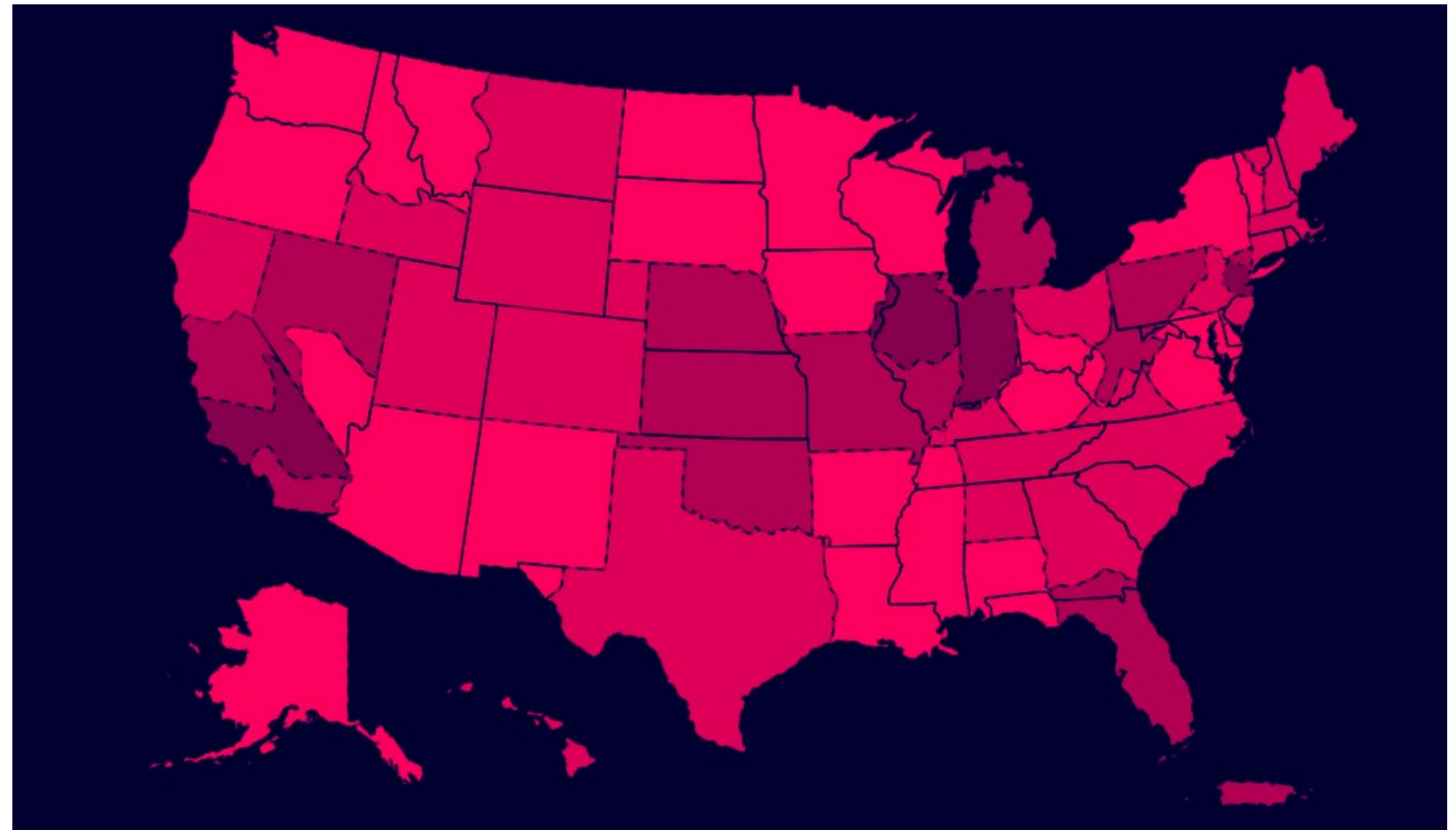
How we can work together

- ▶ Share NLRB contact information with your community and clients.
- ▶ Post NLRB flyers in public spaces.
- ▶ Host informational sessions with NLRB in your community.
- ▶ Reach out to us if you have any questions.



Where the NLRB is located

- Headquartered in Washington, DC
- 26 Regional Offices and numerous satellite offices in most major cities
- Location of nearest office can be found on our website, www.nlr.gov.



Who we protect

The National Labor Relations Act covers employees of most small businesses in the United States, including:



Workers at small businesses



Workers at nonprofits



Workers in states with "Right-to-Work" laws

All employees have the same rights under the NLRA regardless of immigration status

- ▶ The Agency will not inquire about a person's immigration status during its investigation into allegations of violations of the NLRA.
- ▶ The Agency may take legal action against an employer if it unlawfully uses immigration status to retaliate against employees because they exercised rights under the NLRA.



Coverage exceptions

Some groups are excluded from protections, including:



Agricultural workers



Independent contractors



Domestic workers

Right to Engage in *Union Activity*



Employees have the right to attempt to form a union where none currently exists, or to get rid of a union that has lost the support of employees.

Right to Engage in *Concerted Activity*

- Two or more employees act together to improve their working conditions
- A single employee brings group complaints to an employer or tries to convince co-workers to act together as a group



Examples of Protected Activity

- ▶ Talking with one or more co-workers about wages and benefits or other working conditions.
- ▶ Participating in a concerted refusal to work (strike) in unsafe conditions.
- ▶ Circulating a petition asking for better hours.
- ▶ Joining with co-workers to talk directly to the boss, a government agency, or the media about problems employees are experiencing in the workplace.



Examples of Protected Activity 2

Workplace conversations often occur outside of work.

Recent examples involving Facebook Groups/Social Media

- ▶ Restaurant employee posts concern on social media about returning to work since the Employer is not following COVID protocols.
- ▶ Factory employee posts warning on social media to other employees that supervisors are walking the line and suspending employees that are not wearing masks.
- ▶ Factory employee posts Scooby-Doo themed meme on social media about high employee turnover being the result of bad management.



**It may be
unlawful
for
employers
to:**



Prohibit workers from talking about their wages or benefits.



Prohibit employees from posting negative comments about the employer or supervisors on social media sites.



Prohibit solicitation or distribution of materials during working hours or in non-work areas.

In response to union or protected concerted activity, an employer is **prohibited** from taking any of these actions:



Firing or demoting the employee



Imposing new paperwork requirements to maintain employment



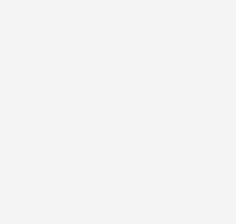
Reducing pay, hours, or benefits



Making working conditions less desirable, e.g., altering work schedules, denying overtime, isolating the employee



Transferring the employee to another location



Contacting law enforcement, including ICE



Threatening to do any of these things

Recent Examples of Retaliation

- ▶ A construction contractor fired five employees after they appeared in a YouTube video complaining of hazardous working conditions.
- ▶ A long-time employee at a packing plant was fired after raising safety concerns on behalf of other workers with company management and a government agency.
- ▶ Supervisors at a cheese processing facility held a meeting of all employees and informed them that they would receive merit-based wage increases. The supervisors told the employees they were prohibited from discussing the increases and threatened to fire anyone found to have discussed the increase with their coworkers.
- ▶ Five employees of a non-profit organization were fired after they posted comments on Facebook concerning working conditions, including workload and staffing issues.



INSTRUCTIONS:
File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer		b. Tel. No.
		c. Cell No.
		f. Fax No.
		g. e-mail
d. Address (Street, city, state, and ZIP code)	e. Employer Representative	h. Number of workers employed
i. Type of Establishment (factory, mine, wholesaler, etc.)		j. Identify principal product or service

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (2) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

4a. Address (Street and number, city, state, and ZIP code)		4b. Tel. No.
		4c. Cell No.
		4d. Fax No.
		4e. e-mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

(signature of representative or person making charge)	(Print type name and title or office, if any)	Tel. No.
		Office, if any, Cell No.
		Fax No.
		e-mail
Address	Date	

What to know before filing a charge

- It's *free* and can be done online, by mail or fax, or at any of our offices.
- You must file a charge within 6 months of the alleged unlawful conduct.
- You don't need a lawyer.
- If you need assistance, an NLRB agent will help you fill out the charge correctly.
- Interpreters and translators are available for non-English speakers.



What to expect after filing a charge

- Investigations usually take 7 to 14 weeks to complete.
- Each charge is investigated by Board agents who gather evidence and may take affidavits from parties and witnesses.
- If the Agency finds sufficient evidence to support the charge, it will try to help the parties reach a settlement.
- If no settlement is reached, the Agency will issue a complaint and prosecute the case before an Agency Administrative Law Judge.
- The NLRB does not gather information about immigration status.

Remedies



Employee Rights Under the National Labor Relations Act

The National Labor Relations Act (NLRA) guarantees the right of employees to organize and bargain collectively with their employers, and to engage in other protected concerted activity or to refrain from engaging in any of the above activity. Employees covered by the NLRA* are protected from certain types of employer and union misconduct. This Notice gives you general information about your rights, and about the obligations of employers and unions under the NLRA. Contact the National Labor Relations Board (NLRB), the Federal agency that investigates and resolves complaints under the NLRA, using the contact information supplied below, if you have any questions about specific rights that may apply in your particular workplace.

Under the NLRA, you have the right to:

- Organize a union to negotiate with your employer concerning your wages, hours, and other terms and conditions of employment.
- Form, join or assist a union.
- Bargain collectively through representatives of employees' own choosing for a contract with your employer setting your wages, benefits, hours, and other working conditions.
- Discuss your wages and benefits and other terms and conditions of employment or union organizing with your co-workers or a union.
- Take action with one or more co-workers to improve your working conditions by, among other means, raising work-related complaints directly with your employer or with a government agency, and seeking help from a union.
- Strike and picket, depending on the purpose or means of the strike or the picketing.
- Choose not to do any of these activities, including joining or remaining a member of a union.

Under the NLRA, it is illegal for your employer to:

- 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.

Under the NLRA, it is illegal for a union or for the union that represents you in bargaining with your employer to:

- Threaten or coerce you in order to gain your support for the union.

- The agency may seek make-whole remedies, such as:
 - Reinstatement and backpay for discharged workers
 - Informational remedies, such as the posting of a notice by the employer promising to not violate the law
- No penalties or punitive damages

NLRB Outreach

- The NLRB's outreach program helps to educate the public we serve.
- NLRB representatives can be available at no cost to speak at and participate in meetings, conferences and seminars with a variety of organizations.
- Any group interested in requesting an NLRB speaker may contact the Outreach Coordinator in the closest Regional Office, or at www.nlr.gov, click, "Request a Speaker" under the Guidance tab.



Thank You



Contact Us

Region 7 Detroit Regional
Office
Patrick V. McNamara
Building
477 Michigan Avenue
Room 05-200
Detroit, MI 48226
Phone: (313) 226-3200

Resident Office
Gerald R. Ford Federal
Building
110 Michigan St. NW
Room 299
Grand Rapids, MI 49503
Phone: (616) 456-2679

Hours of Operation: 8:15 a.m. to 4:45 p.m.

On the web: www.nlr.gov

Resources

- NLRB website: [nlrb.gov](https://www.nlr.gov)
 - En español: [nlrb.gov/es](https://www.nlr.gov/es)
- NLRB Hotline **1-844-762-NLRB**
 - (Spanish language option available)
- NLRB Mobile App for IOS and Android
- Visit your NLRB local office
 - [nlrb.gov/about-nlr/who-we-are/regional-offices](https://www.nlr.gov/about-nlr/who-we-are/regional-offices)
- General information on federal workplace protections: [worker.gov](https://www.worker.gov)
- Follow us on **Facebook, Twitter, and Instagram.**

