What Organizations Can (and Cannot Do) During a Union Campaign



Both the National Labor Relations Act (NLRA) and the Taft-Hartley Act prohibit employers from discriminating against employees for participating in union activities. Labor law gives your employees the right to join a union, but employers have rights as well.

Organizations have the right to express their views in an effort to persuade their employees not to join a union but exercising caution is important. Make sure you have a thorough knowledge of the labor law rules and seek legal counsel as needed.

SOME THINGS AN EMPLOYER CAN DO:

- Describe, in an open meeting with all employees, the great features of working for your organization including benefits and compensation, job security, and steady work.
- Tell employees that they have the right not to sign a union card or be harassed into signing one.
- Inform employees of any prior experience you have had with unions, as long as you don’t turn it into a prediction or promise that the same thing will happen to them.
- Tell employees that they do not have to talk with union organizers in their home or on the phone, unless they want to.

SOME THINGS AN EMPLOYER CANNOT DO:

- Discriminate in any way against any employee for participating in union activities.
- Promise or provide benefits to your employees (such as wage increases, holidays, benefits or improvements in working conditions) to encourage them to abandon the union.
- Make threats based on employee support of the union, including threats of discharge, layoffs, plant closure or discontinuing current benefits.
- Engage in surveillance of employees.
- Call employees, either individually or in groups into your office for the sole purpose of discussing union activities with them, i.e. ask them how they are going to vote (or how others are going to vote), as it could be

deemed unlawful interrogation. However, you can listen to any employee who volunteers such information to you.

Union organizing is complex and laws need to be followed. Know your rights as an employer and seek the advice of legal counsel to be sure that you are in compliance.