

Is your employer putting you and your co-workers in danger?

You have the right to protect yourselves

Unfortunately, some employers are putting short term profits over the health of workers. If your employer is ignoring your demands for protections from coronavirus, you and your co-workers need to take action to protect yourselves. As individual workers, we have no power. But when we act together with our co-workers, we can make our boss listen to us. But before you take action, it's important to know your rights:

What does the law say?

Under US labor law, most workers - whether you have a union or not - have the right to come together as a group (meaning more than one worker) to improve their working conditions. The heart of the law is Section 7 of the National Labor Relations Act which says:

*"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...**"*

What kinds of activities are protected by the law?

You have the right to engage in many types of activities together with your co-workers, including to:

- ▶ Talk openly about pay and benefits
- ▶ Circulate a petition to improve working conditions (at non-work times in non-work areas)
- ▶ Deliver the petition as a group
- ▶ Distribute flyers (on non-work times and in non-work areas)
- ▶ Refuse as a group to work in unsafe conditions
- ▶ Join with your co-workers to talk to your employer about working conditions
- ▶ Walk off the job to protest unfair working conditions
- ▶ Participate in a press conference or rally to speak out about unfair working conditions
- ▶ Form a union and recruit your co-workers to join

Source: [The National Labor Relations Board](#)

What does “non-work times in non-work areas” mean?

Generally, you have the right to talk with co-workers about taking action at any time and place, as long as you are not interfering with the employer's operations or the work of others. **When distributing flyers or petitions, it's best to do it when both you and your co-worker are on a break, or before or after your shifts.** You may do concerted activity on the employer's premises, however it's best to do so away from your work area (for example, wherever you take your break, in a hallway, at the time clock or in the parking lot.)

What is my employer prevented from doing under the law?

Under the law, your employer can't:

- ▶ Harass or Discriminate against workers who stand up for their rights
- ▶ Fire, threaten to fire, write-up, or cut the hours of an employee because they support justice in the workplace.
- ▶ Ask your opinion about efforts to improve things in the workplace
- ▶ Close or threaten to close the workplace or take away benefits or privileges in order to discourage organizing activity

While it's illegal for your employer to do these things, **your best defense is unity with your co-workers**. Before taking action, have a plan and a large group of workers ready to take action together. There's safety in numbers.

Other things to keep in mind:

- ▶ The employer must know why you are taking concerted action. It cannot be done in secret. For example, if everyone calls in sick on the same day but no clear demand has been made to the employer, the action may not be protected and the employer can discipline you as they normally would under their attendance policy.
- ▶ Don't disparage the employer or their product. For example, it's OK to say that the employer is doing nothing to protect workers from COVID-19, but not OK to say that people who purchase the employer's product may contract the virus.

How are workers exercising these rights?

- ▶ Bus drivers in Detroit, Pittsburgh and Birmingham, AL organized brief work stoppages to successfully demand that their employers implement measures to protect drivers from coronavirus infection on the job.
- ▶ Retail grocery workers in Montpelier and Burlington Vermont won additional hazard pay by taking workplace action and appealing to customers to support them.
- ▶ Workers at a Perdue Farms poultry plant in Kathleen, GA walked off the job after their employer didn't live up to promises to sanitize the plant and give workers hazard pay during the coronavirus pandemic.
- ▶ Workers at CapTel call centers in Madison and Milwaukee, Wisconsin won extra breaks and hazard pay after they organized a work stoppage.

Join the Fight!

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