

35 THINGS YOUR EMPLOYER CANNOT DO

UNFAIR LABOR PRACTICE • SECTION 8, NATIONAL LABOR RELATIONS ACT (NLRA) • NOVEMBER 2024



1. SURVEIL UNION MEETINGS

The employer cannot attend union meetings, park nearby to observe, or use surveillance methods to see who attends union gatherings.

Example: If your employer parks outside a known union meeting place, it's likely a form of intimidation.

2. THREATEN TO FIRE FOR UNION ACTIVITY

It's illegal for your employer to imply that engaging in union activities could lead to punishment or termination.

Example: A supervisor tells you that supporting the union could "impact your future" at the company.

3. DISCIPLINE DUE TO UNION ACTIVITY

Disciplinary actions for participating in union activities are strictly prohibited.

Example: After discussing union benefits with a coworker, you're suddenly reprimanded for minor issues that went unnoticed before.

4. OFFER INCENTIVES TO AVOID UNIONIZING

Employers cannot raise wages or give special perks to dissuade union support.

Example: Just before the election, the company announces an unexpected bonus if employees "stay focused" and "vote wisely."

5. PROHIBIT UNION REP ACCESS

Union representatives must be allowed to speak to employees during non-work hours.

Example: If union reps attempt to speak to employees off company property and are discouraged or blocked, it's an unfair labor practice.

6. QUESTION EMPLOYEES ABOUT UNION MATTERS

Your employer cannot ask about your opinions on union issues or meetings.

Example: A manager casually asks what was discussed in a recent union meeting—this is not permitted.

7. IGNORE REFUSALS TO DISCUSS UNION OPINIONS

Once an employee declines to talk about the union, the employer must respect this decision.

Example: After telling your manager you don't want to discuss the union, they persist or try to get you to talk about it again.

8. ASK VOTING INTENTIONS

Employers cannot question employees about how they intend to vote in the union election.

Example: A supervisor hints that they hope you "make the right choice" and asks if you're planning to vote.

9. THREATEN REPERCUSSIONS FOR UNION ACTIVITY

Employers can't threaten layoffs, plant closures, or benefit cuts in response to union activities.

Example: Management suggests that a union vote could lead to downsizing or closures to "afford" the union.

10. PROMISE BENEFITS FOR VOTING NO

Employers can't offer raises, promotions, or other benefits if employees reject the union.

Example: Leadership hints at improved benefits but suggests these might be "re-evaluated" if the union is voted in.

11. PROVIDE FINANCIAL SUPPORT TO ANY UNION

Any financial assistance to influence a union is prohibited.

Example: The employer offers funding to an employee group opposing the union to "keep things as they are."

12. REFUSE TO ENGAGE WITH UNION REPRESENTATIVES

Refusing to acknowledge or deal with the union is illegal if the union is legally recognized.

Example: After a union win, the employer declines to meet union representatives, saying they "don't negotiate with unions."

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13. THREATEN CLOSURE IF UNIONIZED

It is illegal to suggest the business will close if union representation is chosen.

Example: Management says, "If we go union, we may have to shut down operations here."

14. ASK ABOUT UNION MEMBERSHIP

Employers cannot inquire if you belong to or support a union.

Example: During a casual chat, a manager asks, "Did you join the union?"

15. INQUIRE ABOUT UNION OPINIONS IN INTERVIEWS

It's illegal to ask job candidates about union support or feelings.

Example: During an interview, you're asked how you feel about unions or if you've participated in one before.

16. MAKE ANTI-UNION STATEMENTS

Employers cannot make statements or act in ways that seem biased against union supporters.

Example: Management publicly praises "dedicated" non-union employees for their "loyalty to the company."

17. ASSIGN OVERTIME BASED ON UNION MEMBERSHIP

Work assignments must be fair and not based on union status.

Example: Union-supporting employees notice they're excluded from desired overtime shifts.

18. SEPARATE UNION FROM NON-UNION EMPLOYEES

Employers cannot divide teams based on union support.

Example: A supervisor reassigns union-supporting workers to different projects to "keep productivity high."

19. TRANSFER EMPLOYEES BASED ON UNION AFFILIATION

It's illegal to reassign workers due to union activity or support.

Example: After speaking at a union meeting, an employee is transferred to a less desirable shift.

20. LAY OFF UNION SUPPORTERS

Choosing who to lay off cannot be based on union affiliation.

Example: A round of layoffs disproportionately affects employees known to support the union.

21. DISCRIMINATE IN DISCIPLINE

Union supporters cannot be singled out for disciplinary actions.

Example: Union-supporting employees receive write-ups for minor infractions that others routinely commit without reprimand.

22. USE ASSIGNMENTS TO TARGET UNION SUPPORTERS

Employers can't assign tasks intending to discourage union involvement.

Example: Known union supporters are repeatedly assigned difficult or undesirable tasks.

23. WITHHOLD SCHEDULED WAGE INCREASES

Union activity should not affect scheduled pay or benefits.

Example: A scheduled raise is suddenly "put on hold" for union-supporting employees.

24. IGNORE COMPANY POLICY TO TARGET UNION SUPPORTERS

Company policies must be applied fairly, regardless of union status.

Example: A union-supporting employee's request for time off is denied, even though it would normally be approved.

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25. REDUCE PAY DUE TO UNION ACTIVITY

It's illegal to cut someone's pay because they're involved with the union.

Example: An employee's hours are reduced after participating in union discussions.

26. THREATEN TO INFLUENCE VOTES

Employers cannot imply threats to influence how employees vote.

Example: Supervisors warn that voting "yes" could affect future company projects.

27. THREATEN INDIRECTLY

Using others to intimidate union members is illegal.

Example: A third party relays management's "concern" about employees involved with the union.

28. PROMISE BENEFITS FOR VOTING NO

Promises of future rewards for rejecting the union are prohibited.

Example: Management hints at new perks but subtly implies these are only possible if the union vote fails.

29. THREATEN TO END OVERTIME IF UNIONIZED

It's illegal to suggest overtime will end if unionized.

Example: Management says, "We may not be able to afford overtime if we go union."

30. SAY UNIONIZING WILL LEAD TO LAYOFFS

Employers cannot suggest unionizing will result in job cuts.

Example: Supervisors claim that a union vote would "force" downsizing.

31. CLAIM UNIONIZING ENDS BENEFITS

Employers cannot say unionization will remove current benefits.

Example: Management says, "Going union could mean you lose vacation days."

32. OFFER PROMOTIONS TO AVOID UNIONIZING

It's illegal to reward employees for abandoning union support.

Example: Management promises faster promotions to those who withdraw from the union effort.

33. ENCOURAGE ANTI-UNION PETITIONS

Employers can't create or promote petitions opposing the union.

Example: Management circulates an anti-union letter among employees, urging them to sign.

34. URGE ANTI-UNION BEHAVIOR

It's illegal to ask employees to convince others to reject the union.

Example: Supervisors encourage employees to persuade colleagues to vote against the union.

35. VISIT HOMES TO PERSUADE

Home visits aimed at influencing union decisions are not allowed.

Example: A manager shows up at an employee's home, asking them to reconsider union support.

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