

KNOW YOUR RIGHTS ABOUT PROTECTED CONCERTED ACTIVITY

Under Federal law, employees have a legal right to engage in concerted activity and it is illegal for an Employer to retaliate against employees who do so. Section 7 of the National Labor Relations Act states:

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 . . .

Sec. 8(a)(1) of the Act states: It shall be an unfair labor practice for an employer to interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section 7.

Does this mean I am allowed to wear stickers and other union insignia? Yes! Workers have a firm legal right under the National Labor Relations Act (NLRA) to engage in certain forms of protected, concerted activity. This includes the right to wear buttons or stickers at work as part of a collective expression regarding working conditions. Over the years, the National Labor Relations Board (NLRB) has broadly construed these provisions to allow for a wide range of activities in support of a collective issue, including things like circulating petitions, wearing stickers, filing group grievances, filing complaints with regulatory agencies on behalf of a group of workers, participating in informational leafleting of the public, etc. Egregious behavior may not be protected, nor is engaging in a strike or similar activity (such as a sick out) during the time when a contract is in place.

Why are we wearing stickers? We are wearing stickers to call public attention to our contract campaign with Kaiser. This will be the first step in escalating measures publicly to convince Kaiser to improve our working conditions and staffing and work with us to quickly settle a contract that provides a fair wage and benefit package. One very simple activity that will show support for bargaining is to **wear a sticker on July 24, the day before our first day of bargaining, and to wear red to work on every Wednesday from then on**, until we settle the contract. If your facility's dress code allows t-shirts (anyone sporting Warriors attire?) you and your co-workers may wear NUHW t-shirts.

In Unity,

NUHW Optical Workers Bargaining Committee: Sonia Askew, Tony Baltrons, Shahidah Bell, Christian Del Rosario, Toni Gianti, Demeka Hudson, Sonia Minor, Jeffrey Parker, Otto Pimentel, Elvia Plata, Laura Stewart, Gloria Villasenor and Delisa Willis

In the coming weeks and months, your steward, bargaining committee member, or union organizer may ask you to participate in additional protected concerted activities. The intent of these activities is to encourage Kaiser management to reach a fair and reasonable agreement for a new contract before the current contract expires on October 1. The more people willing to participate, the stronger the message will be and the better the chance our employer will take our proposals seriously.

What if my manager asks me to remove my sticker? Politely inform her or him that this is a legally protected activity and that threatening or coercing you to remove the sticker is considered illegal under the NLRA. If s/he still insists, remove the sticker, document what was said, and report to your steward or staff organizer as soon as possible.

What can I discuss with my patients/customers? You should not bring up the contract campaign with Kaiser patients. However, if you are asked about the sticker, keep your response brief and simple, for example: "My union is in bargaining with Kaiser."

Do not ask a patient to take action to support our contract campaign. You may direct them to the NUHW website, NUHW.org, to learn more.

Stay tuned and be prepared to participate in other actions called for by your bargaining team if needed.



For more information, please contact an NUHW Organizer:

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