

KNOW YOUR RIGHTS:

The Right to Engage in Concerted Activity

Facts from the NC Justice Center's WORKERS' RIGHTS PROJECT

► **YOUR RIGHT** to be treated fairly and equally at work while engaging in concerted activity.

WHAT IS THE NLRA?

The National Labor Relations Act (NLRA) is the federal law that gives many employees working in the private sector certain rights to join together to improve their working conditions and wages either with or without a labor union.

WHAT IS PROTECTED CONCERTED ACTIVITY?

The NLRA protects “concerted activity for mutual aid and protection.” This means that employees can work in groups of two or more, or on behalf of one or more coworkers, with the goal of improving their working conditions. Employees do not have to be a part of a labor union to engage in concerted activity that is protected under the NLRA.

Some examples of protected concerted activity include:

- Planning and/or participating in a rally for improved working conditions
- Talking with your coworkers about wages and benefits
- Talking with your coworkers about safety concerns at work
- Online messaging your coworkers about your supervisor on your personal time
- Talking with your coworkers about starting a union
- Talking to your supervisor on behalf of your coworker about a safety concern at work
- Participating in a planned refusal to work in unsafe conditions
- Talking to the media about unsafe working conditions
- Reporting problems at your workplace to a government agency or nonprofit

Concerted activity does not include:

- Doing something egregiously offensive
- Knowingly spreading false rumors about your employer
- Speaking badly of your employer in public about topics that do not connect to a labor issue
- Engaging in work slowdowns or periodic work stoppages without striking (also known as partial or intermittent strikes). For example:
- It is an unlawful partial strike for employees to refuse to complete some work tasks while continuing to accept other work
- It is an unlawful slowdown for employees to purposefully decrease their productivity with the intent to get their employer to meet their demands
- It is an unlawful intermittent strike for employees to plan to strike more at irregular intervals

WHAT IF MY EMPLOYER FIRES OR OTHERWISE PUNISHES ME FOR PROTECTED CONCERTED ACTIVITY?

If your employer fires, disciplines, threatens, or otherwise punishes you for protected concerted activity, you can file an unfair labor practice charge with the National Labor Relations Board. The remedies available for unfair labor practice charges frequently include backpay and reinstatement in addition to public postings in the employer's workplace about the unfair labor practice.

WHO DOES THE NLRA COVER?

The NLRA gives rights to employees of most private companies in the United States.

This fact sheet is intended to provide accurate, general information regarding legal rights relating to employment in North Carolina. However, this fact sheet does not address exemptions and does not go into detail regarding legal rights. In addition, laws and legal procedures are subject to frequent change and differing interpretations, and the North Carolina Justice Center cannot ensure the information in this sheet is current nor be responsible for any use to which it is put. Do not rely on this information without consulting an attorney or the appropriate agency about your rights in your particular situation.

▶ **YOUR RIGHT** to be treated fairly and equally at work while engaging in concerted activity.

The NLRA does not cover:

- Agricultural laborers
- Domestic service workers
- Independent contractors
- Supervisors
- Employees of railroads and airlines
- Government employees (local, state, and federal)

These workers can still engage in concerted activity and that activity may be protected under other laws, but are not covered by the NLRA.

WHAT IF I'M AN IMMIGRANT OR UNDOCUMENTED WORKER?

The NLRA protects workers engaging in protected concerted activities regardless of immigration status.

MORE INFO

Want to know more?

The NC Justice Center's Workers' Rights Project offers factsheets on a range of workplace rights topics in English and Spanish. Find our factsheets here: <https://www.tiny.cc/ncworkers>

TELL US YOUR STORY

The Workers' Rights Project at the NC Justice Center is on a mission to improve job conditions in North Carolina. Have you ever experienced unfair treatment at work? Dealt with wage theft or union busting? — Share your story* with us. We're gathering testimonies to advocate for better workplace protections, including safety, fair wages, and support during difficult times: <https://tinyurl.com/ncworkerstories>

**Your story will remain confidential unless you give us written consent to share it.*

RESOURCES

For help finding a lawyer, call:	North Carolina Advocates for Justice	1-(800) 688-1413
	North Carolina Bar Association Lawyer Referral Service	1-(800) 662-7660
	Legal Aid of North Carolina	1-(866) 219-5262

TO FILE A CLAIM WITH A GOVERNMENT AGENCY OR TO SEEK INFORMATION ON THE FOLLOWING ISSUES, CONTACT:

DISCRIMINATION	US Equal Employment Opportunity Commission	1-800-669-4000 www.eeoc.gov
E-VERIFY	Department of Homeland Security/EVerify	1-888-897-7781 https://www.e-verify.gov/
FAMILY & MEDICAL LEAVE	US Department of Labor	1-866-487-9243 www.dol.gov/whd
HEALTH & SAFETY	NC Department of Labor	1-800-NC-LABOR (625-2267) www.nclabor.com/osh/osh.htm
MISCLASSIFICATION	Internal Revenue Service	http://www.irs.gov/pub/irs-pdf/fss8.pdf
RETALIATION	NC Department of Labor, Employment Discrimination Bureau	1-800- 625-2267 www.nclabor.com/edb/edb.htm
UNEMPLOYMENT INSURANCE	NC Department of Commerce, Division of Employment Security	1-877-841-9617 https://www.ncesc.com/
UNIONS & COLLECTIVE ACTION	National labor Relations Board	1-866-667-6572 www.nlrb.gov
WAGE THEFT	NC Department of labor, Wage and Hour Bureau US Department of Labor	1-800-625-2267 www.nclabor.com/wh/wh.htm 1-866-487-9243 http://www.dol.gov/whd/
WORKERS' COMPENSATION	NC Industrial Commission	1-800-688-8349 http://www.ic.nc.gov/

This fact sheet is intended to provide accurate, general information regarding legal rights relating to employment in North Carolina. However, this fact sheet does not address exemptions and does not go into detail regarding legal rights. In addition, laws and legal procedures are subject to frequent change and differing interpretations, and the North Carolina Justice Center cannot ensure the information in this sheet is current nor be responsible for any use to which it is put. Do not rely on this information without consulting an attorney or the appropriate agency about your rights in your particular situation.