

KNOW YOUR RIGHTS:

The Right to Unionize as a Public Sector Worker

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

► **YOUR RIGHT** to be treated fairly and equally at work while organizing as a public sector worker.

ARE PUBLIC SECTOR UNIONS ILLEGAL IN NC?

No. Public sector unions are lawful in NC and many state and local employees such as teachers, police officers, and municipal workers can and do join unions. In addition, public sector workers can and do join employee associations.

HOW IS THE LAW DIFFERENT FOR PUBLIC SECTOR AND PRIVATE SECTOR WORKERS?

In the private sector (with some exceptions), employers must follow federal labor law under the National Labor Relations Act (NLRA). Public sector employees such as the state, county, city, or municipality must follow the laws of that state instead of the NLRA.

WHAT RIGHTS DO I HAVE AS A PUBLIC SECTOR WORKER TO ORGANIZE AND TAKE ACTION IN MY WORKPLACE IN NC?

- The right to join a union.
- The right to join a professional association.
- The right to advocate as a union before a public body like the state legislature or city council.
- The right to meet and confer with management as a union.
- The right to file a claim or complaint, initiate any inquiry, petition, investigation, inspection, proceeding or other action, or testify or provide information to any person on behalf of yourself or others without later discrimination or retaliation against you about certain topics including:
 - Wages and hours
 - safety in the workplace

- Worker's compensation
- Discrimination in the workplace

- The right to take lawful action under NC's domestic violence statutes without subsequent discrimination or retaliation against you.
- Qualifying unions and organizations have the right to meet on state facility property.

WHAT RIGHTS DO I *NOT* HAVE AS A PUBLIC SECTOR WORKER TO ORGANIZE AND TAKE ACTION IN MY WORKPLACE IN NC?

- The right to collectively bargain with your employer. In other words, the right to negotiate a contract with your employer that governs the terms and conditions of your employment.
- The right to strike or engage in other types of work slowdowns.

WHY SHOULD I ORGANIZE MY WORKPLACE?

- In the public sector, unionized workers make **higher wages** on average than non-union workers.
- Unionized teachers often also have less **turnover and more comprehensive and enhanced benefits** than non-unionized teachers including retiree insurance and master's degree pay.
- Unions can work with the State to provide **better training** to improve worker quality in our public sector.

WHAT ARE MY RIGHTS IF I AM UNDER THREAT OF DISCIPLINE AS A PUBLIC SECTOR WORKER IN NC?

NC State employees (**as defined here**) have rights to:


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 organizing as a public sector worker,

- **Just cause protection** in many cases. NC State employees and some local and county employees covered by the NC Human Resources Act cannot be disciplined, suspended, demoted, or fired without the State providing the reason in writing. You also have a right to appeal the decision.
 - Local employees who do not meet the definition of NC State employees may have other rights and procedures put in place by their locality.
- File grievances in accordance with the [State's Grievance Policy](#). Some things you can file grievances for include:
 - Discrimination in hiring
 - Retaliation for protesting against unlawful discrimination
- Appeal unjust terminations, suspensions and demotions to a neutral Civil Service board, in some localities.
- File a complaint or lawsuit regarding workplace violations including discrimination, health and safety, and wages.

- State and city employees have the right to due process in official personnel decisions, including the right to review evidence against them.

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>



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/ncworkersstories>

**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/osha/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.nlr.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/

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