



## *Know Your Rights:* **The National Labor Relations Act**

The [NLRA](#) was passed in 1935 “to protect the rights of employees and employers, to encourage collective bargaining and to curtail certain private sector labor and management practices which can harm the general welfare of workers, businesses and the U.S. economy.” The NLRA is enforced through the [National Labor Relations Board](#) (NLRB). The President of the United States appoints the 5 person board as well as a General Counsel. The NLRB protects the rights of most private sector employees who are working together to improve their wages and working conditions.

### **What does the NLRA do?**

The law guarantees employees the right to join together to address issues at work with or without a union. It forbids employers from interfering with employees who wish to join or work with a union to improve the terms and conditions of employment. It also protects employees who do not want to engage in these activities.

The Act protects the right of employees to organize and to protect and remedy unfair labor practices.

The union also has a duty of [fair representation](#) owed to all employees in the bargaining unit. This means that unions have to represent all members’ interests in good faith, without hostility or discrimination. If a union behaves in an arbitrary, discriminatory manner towards any member, or acts in bad faith, then the union has breached its duty of fair representation. This duty is intended to ensure fair treatment to all union members including those that are not in the majority.

### **How is the NLRA enforced?**

The NLRA is enforced through the National Labor Relations Board (NLRB) of 5 people and a General Counsel all appointed by the President of the United States. The NLRB is headquartered in Washington DC and has 26 [regional offices](#).

Once a charge is filed, it is investigated and a recommendation is made to the Regional Director. If the Regional Director decides to issue a complaint, it then goes to the Administrative Law Judge for a trial. A NLRB attorney will represent the person who brought the charge. The hearing can result in a dismissal or remedial order. At any time, an informal or formal settlement can also be negotiated. If a dismissal occurs, the charging party can appeal to the full NLRB in Washington, DC.



The charge can be withdrawn at any time, or the Regional Director may refuse to issue a complaint. If that happens, the charging party can appeal to the General Counsel in Washington DC.

## What you need to know when filing a charge:

The NLRB Regional offices may also have “subregional” offices. Look up your regional office [here](#) and all the sub offices will also be listed.

You can call or visit the office to file your charge. The Information Officer at the office can draft your charge and give you the assistance you need. The charge should be filed under Section 8(2) Duty of Fair Representation. You can also file charges [electronically](#).

You must file within **6 months** of the incident for your charge to be valid.

You do not need a lawyer for this process. A NLRB attorney will represent you if there is a hearing. However, you may also choose to be represented by your own lawyer.

If the NLRB office chooses to dismiss your charge, you do not have to accept that as a final determination and can move your complaint to the National Office. If you do receive a formal dismissal letter, be careful to follow the instructions and timeline contained in that letter if you wish to appeal.

In addition, it is illegal for an employer or union to retaliate against employees for filing charges or participating in NLRB investigations or proceedings. For instance, if you are reassigned, fined, and/or had your union membership terminated, this could be considered retaliation and you should add this information to your charge.

