

# The Right to Organize

The right of public school employees to organize unions is protected by the Educational Employment Relations Act (EERA—a California law). The right of employees at private agencies and institutions to organize is protected by the National Labor Relations Act (NLRA—a federal law).

The EERA says:

“Public school employees shall have the right to form, join or participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations.”

The NLRA says:

“It is declared to be the policy of the United States to eliminate the causes of certain substantial obstructions to the free flow of commerce and to mitigate and eliminate these obstructions when they have occurred by encouraging the practice and procedure of collective bargaining and by protecting the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection.”

So what do these laws say about when and where employees can talk about the union and/or distribute union information?

## Here are your rights:

### When and where we can talk about the union and distribute union materials:

We can talk about the union all the time—when the next meeting is, what our ideas for a good union contract are, why we support having a union, as long as talking does not interfere with our work. We can talk about the union on campus. We can talk about the union on our meal break with other employees on break. Talking about the union is just as normal as talking about other subjects we’re allowed to talk about at work, such as what we did last night, the game or movie we’re planning to see, a co-worker’s new haircut or our grandchildren.

We can distribute materials about the union and ask co-workers to sign a petition on breaks, at meal times, before or after our shift, and in break rooms, locker rooms, the cafeteria, and the parking lot.

We must use common sense. Public employees are service providers, so all situations where we are permitted by law to talk about the union or distribute materials require some judgment on our part.

### It is illegal for our supervisor to:

Fire, discipline, threaten or harass us for supporting the union.

Ask us what you think about the union or force us to discuss our feelings about the union.

Threaten to lay people off or take away wages or benefits if we support the union.

Discriminate against employees for supporting the union.

Promise better benefits and working conditions to keep the union out.

Spy on union activities among employees.

Threaten to close the program or lay off employees if we organize a union.

If your supervisor is breaking the law, report it to a member of your Organizing Committee, your Shop Steward, or call (213) 387-8393, ext. 308.

