

# QUESTIONS & ANSWERS

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A quick reference to your  
union  
organizing  
campaign

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UNITED FOOD & COMMERCIAL WORKERS  
UNION

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This booklet is intended to serve as a quick, clear guide to unions and how they fit in to your workplace and your life. Inside you'll find the legal justifications and protections surrounding the organizing process, what to expect from disgruntled employers as you fight to secure the benefits you deserve, as well as some frequently asked questions and answers. We hope you find this useful. For any further questions, please see the contact information found on the last page of this booklet.

## YOUR RIGHTS

Section 7 of the National Labor Relations Act, which is a federal law, guarantees employees the right to organize and bargain collectively with their employer. Here are the actual words from this law:

*“Section 7 - 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 . . . “*

## WHAT THIS MEANS

- It means that workers have the legal right to help organize, to join and to support a Union of their own choosing. This includes such activities as signing a Union authorization card, getting others to sign cards, attending Union meetings, wearing Union buttons, passing out Union literature and talking Union to other employees.
- It means that workers have the legal right to join together and work as a team in order to help each other.
- It means that workers have the legal right to deal with their employer collectively, rather than individually.
- It does not mean that workers have the right to carry on Union activity during working hours or to allow their Union activity to interfere with their jobs. (For this purpose, break time and lunch time are not considered as working hours.)

## **YOUR PROTECTION**

Section 8 of the National Labor Relations Act protects workers by making it illegal for an employer to interfere with the rights of employees as guaranteed in Section 7. Here are the actual words from the law:

“Section 8.(a) It shall be an unfair labor practice for an employer . . .

Section 8(a)(1) ... to interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section 7 ...

Section 8(a)(3) ... by discrimination in regard to hire or tenure of employment or any term or condition of employment to discourage membership in any labor organization ...”

## **WHAT THIS MEANS**

- It means that employers are not supposed to question workers about the Union, who signed cards, which workers are supporting the Union, who attended meetings, what went on at a meeting, etc. It's none of their business and it's against the law.
- It means that an employer is not supposed to change conditions that prevent the Union organizing campaign or make any promises of raises, promotions or other benefits in order to influence workers in the exercise of their rights.
- It means that it is illegal for any employer to penalize a worker in any manner because of his/her Union activity. This includes such things as cutting out overtime, transfers to less desirable job positions or shifts, suspension or discharge.

NOTE: If it is proven that any employer discharged a worker because of Union activity, the NLRB will order the employer to reinstate the worker to his/her former position, without loss of seniority, and pay the worker for all lost wages, plus interest.

## WHAT YOU CAN EXPECT FROM THE EMPLOYER

Employers disguise their reasons for fighting the Union. They won't say "Vote against the Union so I can make greater profits."

They will use other arguments instead, such as:

"The Union is an outside group. We're like family. Let's keep it that way."

"If the Union gets in, you'll have to pay dues/initiation fee."

"If there is a strike, I can replace you permanently."

"I'm a new boss and I wasn't aware of your problems."

"Give me another chance."

"Unions are violent and corrupt."

"Is this the right union for you?"

"The Union is only interested in your dues money."

"The Union can't do anything for you."

"We don't need a third party to help settle our differences."

These are empty talking points that are deliberately vague in order to generate an atmosphere of distrust and doubt. Always remember that the employer's true purpose is to make you forget the real issues, such as no effective voice in the workplace, low wages, lack of benefits, no job security or seniority rights and poor/unfair working conditions.

## QUESTIONS & ANSWERS

**QUESTION:** I've already signed a card, so what happens next?

**ANSWER:** *Employees sign cards to enable the union to be recognized for collective bargaining purposes, that is, to give the union the right to negotiate a contract for them. When a majority of employees have signed authorization cards, they are in a very strong position. A fair-minded employer may legally agree to recognize the union as the collective bargaining representative. This is done by means of a card check, a process by which an impartial third party verifies that they majority have authorized the union to represent them.*

**QUESTION:** What happens if the employer doesn't agree to this card check?

**ANSWER:** *The union will then petition the National Labor Relations Board (NLRB) to conduct a secret ballot election. The NLRB is the agency of the federal government that is responsible for administering and enforcing the National Labor Relations Act. The Act is the law that gives employees the right to organize to secure the benefits of collective bargaining. This same law also makes it illegal for the employer to threaten, fire or discriminate against any employee because of union activity.*

**QUESTION:** What happens after the petition?

**ANSWER:** *If the employer and the union cannot agree on who will be eligible to vote, the NLRB will conduct a hearing to determine the appropriate bargaining unit.*

*After it has made a decision, the NLRB will set a date for an election, and on that day, the employees in the unit will be allowed to vote by secret ballot for or against union representation.*

**QUESTION:** If the union wins the election, do we automatically become members?

**ANSWER:** *No! By voting for the union in the election, you have only given the union the right to represent you for the purpose of negotiating a contract with your employer.*

**QUESTION:** How does the union know what we want in a contract?

**ANSWER:** *After the election, the union will conduct a contract proposal meeting, at which time proposals for the contract will be drawn up. Also, at this meeting you elect a negotiating committee made up of fellow employees to participate and assist the union in actual negotiations.*

**QUESTION:** When do we become members?

**ANSWER:** *After the negotiating committee and the union representatives have negotiated a contract with the employer, the union will hold a contract ratification meeting. Only if a majority votes to accept the contract do you become members of Local 328. The Union cannot sign a contract until it has been accepted by a majority vote. You make the decisions . . . because you are the Union.*

**QUESTION:** What's all this going to cost?

**ANSWER:** *Until a contract is approved by a majority vote, it will not cost one single cent. At the time you vote on your contract, you will not only know what your dues will be but also what*

*improvements in wages, benefits and working conditions have been negotiated on your behalf. The point to remember is that no one pays a penny until you are working under the improvements of a Union contract.*

**QUESTION:** What happens to the dues money paid to the Union?

**ANSWER:** *The dues money is used for maintaining our offices, staff, representatives, organizing new members and payments to the International for per capita tax on each member. The members have to approve every dollar spent and the Union is required by law to account for all income and expenditures.*

**QUESTION:** Will we have to pay any initiation fee?

**ANSWER:** *No! Employees on the payroll at the time the contract is first accepted will not have to pay an initiation fee of any kind.*

**QUESTION:** Why do we need a Union?

**ANSWER:** *Past experience shows that you cannot rely on your employer to look after your interests. (Employers are more concerned with their own interests – profits!) There are many areas of your working conditions that could use improvements: wages, protection against inflation, adequate staffing, job security, seniority, lack of any effective grievance procedure that includes binding arbitration and representation in the workplace. Only through collective bargaining will you be able to achieve an effective voice on the job.*

For further information contact:

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