



# Know Your Organizing Rights



Unions help protect the health, safety, wages and retirement security of working Americans. Workers represented by unions feel safer voicing concerns about workplace safety and health, wage theft, discrimination and harassment, and other violations of worker protections. Unions help enforce workers' legal rights. Supporting workers as they try to form unions helps the Department of Labor carry out our mission. **Check out the resources below to understand your right to organize a union without retaliation.**

## FORM A UNION

### Step-by-Step Guide to Forming a Union

Workers seeking to form a union at their workplace should talk to their coworkers to build support about issues they are facing. Often workers do this through forming an organizing committee. Workers can contact an established union for support and guidance or they may seek to organize their own independent union.

A group of workers seeking to organize a union must gather union authorization cards/petitions from their co-workers to show support for forming a union. Union authorization cards are documents that workers sign expressing their support for union representation.

Once organizers collect signed cards or petitions from their co-workers, there are generally two paths to follow to form a union:

#### Majority Signup/Voluntary Recognition

1. A majority of employees in the bargaining unit sign cards/petitions seeking union representation
2. Workers ask their employer to recognize the union voluntarily
3. If the employer agrees, the union becomes the workers' legal representative for purposes of collective bargaining and the parties begin bargaining
4. If the employer refuses to recognize the union, workers can file a petition for an election with the NLRB

#### National Labor Relations Board Election

1. Have at least 30% of coworkers sign union authorization cards/petitions
2. File a petition for a union election with the NLRB
3. If the union wins 50% +1 of the vote, your employer must bargain in good faith over working conditions

[Contact Your NLRB Regional Office for More Info](#)



## THE UNION ADVANTAGE:

# Pay

On average, unionized workers earn higher wages than their non-union counterparts.

Union workers generally: **+18%**

Union women: **+22%**

Black union workers: **+20%**



## THE UNION ADVANTAGE:

# Benefits

On average, unionized workers have better benefits than their non-union counterparts.

Health care:

**95%** union, **68%** non-union

Retirement benefits:

**94%** union, **67%** non-union

Paid time off:

**90%** union, **75%** non-union



### Unions have additional advantages for workers:

- **EQUITY:** Unions help close the wage gap for women and workers of color
- **PREDICTABLE SCHEDULES:** Unionized workers often get more advance notice of their schedules
- **SAFETY:** Unionized workplaces are associated with fewer workplace accidents and hazard exposures

### Protection Against Retaliation

You have the right to join with coworkers to address conditions at work by forming a union or taking other concerted action. It is illegal for an employer to retaliate against you for exercising these rights.

If you believe your rights have been violated, you should contact the National Labor Relations Board (NLRB) as soon as possible. Your employer will not be told about your inquiry. The NLRB can be reached at 1-844-762-NLRB (1-844-762-6572). Spanish assistance is available.

<https://www.nlrb.gov/contact-us>

### In Response to Union Organizing, an Employer Cannot:

- ✗ Fire or demote employees
- ✗ Impose new paperwork requirements to maintain employment
- ✗ Transfer employees to another location
- ✗ Contact law enforcement, including ICE
- ✗ Reduce pay, hours, or benefits
- ✗ Make work more difficult or less desirable—like changing work schedules, denying overtime, or separating employees
- ✗ Threaten to do any of these things

### Immigrant Workers Have Organizing Rights

Most workers, including immigrant workers, have the right to form a union with protections from the National Labor Relations Board (NLRB). One of those protections is the right to be free from retaliation regardless of your immigration status. Retaliation based on immigration status can include:

- Threats to call immigration authorities
- A request for new I-9 employment verification documents or Social Security number
- Efforts to call the police and involve immigration authorities
- Termination

NLRB staff will not ask about your immigration status during an investigation or to prove violations of the National Labor Relations Act. The NLRB will work to get your job back and recover lost wages. If your employer proves that you were not authorized to work, immigration status may limit what you receive if your employer unlawfully retaliates against you, but the NLRB will seek other remedies and may work with immigration agencies to help employees whose labor rights were violated.