



CONCERTED ACTIVITY

YOUR RIGHTS

WHAT IS CONCERTED ACTIVITY?

Concerted activity is when one or more coworkers come together to talk about and/or advocate for changes in their workplace. Concerted activity can include reporting unsafe working conditions or violations of law to the state or federal government. Even one employee acting alone can participate in a concerted activity if it is done for the benefit of all of their co-workers.

EXAMPLES OF CONCERTED ACTIVITY

- Concerted activity can be talking with your co-workers about your wages, benefits, or working conditions.
- Concerted activity can be protesting, striking, or circulating a petition asking for better hours.
- Concerted activity includes a group refusal to work in unsafe conditions or openly talking about your pay and benefits.
- Concerted activity is also joining with co-workers (even on social media) to talk directly to your employer, the government, or to the media about problems in your workplace.

An employer cannot punish you for protected activities unless you are abusive.

- A group of Aluminum shop workers leaving work because it is too cold inside the shop to work.
- A group of truck drivers all refusing to drive an unsafe truck.
- Five coworkers on Facebook discussing their terms and conditions of employment, including their job performance and staffing levels.
- Talking about your pay or pay concerns with your coworkers.
- Walking off the job with coworkers to protest an unfair policy and telling reporters about your protest.
- Refusing to divulge the names of workers who signed a petition protesting management.

WHAT IS NOT CONCERTED ACTIVITY?

There are some instances where your actions are not covered by the National Labor Relations Act (NLRA). These can include:

- Complaining about your boss
- Acting only to help yourself
- Acting when your co-workers refuse to do so
- Emotional outbursts that disturb the workplace
- Using social media to insult your boss
- Abusive behavior towards supervisors or coworkers, ie swearing or violence.

What Your Boss Can't Do

If you or your coworkers are attempting to unionize, talk to your boss about unsafe conditions, or are otherwise talking about your workplace conditions;

IT IS ILLEGAL FOR YOUR BOSS TO RETALIATE AGAINST YOU BY:

- Demoting, terminating or firing you
- Arbitrarily changing your work schedule
- Cutting your pay or benefits; denying overtime or promotion
- Harassing, intimidating, threatening or unfairly disciplining you
- Preventing you from communicating with your co-workers about your concerns

What You Can Do

If you think your rights have been violated, you should contact the National Labor Relations Board (NLRB). You generally have six months to report a violation. You can talk to the NLRB without telling your employer, union, or any coworkers. You have to file a charge against an employer or union to begin an investigation, but anybody can file charges, even for another coworker. If you think you might have a case, contact the regional office in Buffalo. It is illegal for an employer or union to retaliate against employees for filing charges or participating in NLRB actions.

Federal Laws

If the NLRB determines that your rights were violated, it has the power to make things right. The NLRB can order the employers to rehire the employee and to pay the employee lost wages and benefits. The NLRB can also ordering the employer or union to stop breaking the law and inform employees of their rights.

State Laws

New York has laws meant to expand the NLRA's protections for some groups of workers, including farmworkers. Depending on the type of complaint, it may be more effective to contact the NYS Dept. of Labor or Division of Human Rights instead of the NLRB.

Who Is Not Covered?

Independent contractors are not covered, and domestic workers and home health care workers may not be covered depending on how they are employed. If you have questions about whether you are covered by the NLRA, call the WNYCOSH Worker Center at 716-206-3550.

Who To Contact If You Have A Problem

Buffalo NLRB Office

130 S. Elmwood Ave, Ste 630
Buffalo, NY 14202
Call toll free: 1-844-762-6572
www.nlr.gov/region/buffalo

NYS DOL

Call toll free: 1-877-466-9757
www.labor.ny.gov/secure/contact/form.asp?subject=9

WNYCOSH Worker Center

2495 Main St., Ste 438
Buffalo, NY 14213
Call: 716-206-3550 (in 14 languages)
www.wnycosh.org