

## LEGAL STUFF

# What's a ULP?

The National Labor Relations Act says that employers cannot unfairly prohibit or discourage workers from coming together in a union to improve their terms and conditions of employment. If they do, that's an unfair labor practice (ULP). Concepts are similar but rules may be different under other private- and public-sector laws. Here are the basics of what you need to know.



## INTERFERE, RESTRAIN, COERCE

**Employers cannot interfere, restrain and/or coerce people who want to form or join a union.** Some examples:

- Threatening you with loss of jobs or benefits;
- Threatening to close down the plant;
- Questioning you about your union activities;
- Spying or pretending to spy on union meetings; and
- Granting wage increases deliberately timed to discourage you from forming a union.

## RETALIATION

**The employer is prohibited from retaliating against you for filing ULP charges or for giving testimony to the National Labor Relations Board.**

## DISCRIMINATION

**Examples of illegal discrimination against people who take part in union activity:**

- Firing you for urging your co-workers to join a union;
- Demoting you for circulating a petition asking for a raise;
- Moving your job to another plant and laying you off because you joined a union; and
- Refusing to hire someone on the basis of his or her union membership.

### Record Keeping

Keeping track of reports of potential ULPs can be a useful tool in many campaigns. Record the who, what, when and where as soon as you hear about it. This will help you figure out if it's a ULP, an objection to the election or to just get a better picture of the impact of the employer's actions on others.

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## REFUSAL TO BARGAIN

**The employer is prohibited from refusing to bargain in good faith with union representatives after an election or other agreement for recognition.**

## EMPLOYER-CONTROLLED UNIONS

**Employers are prohibited from:**

- Creating or supporting a company-influenced “union”; and
- Favoring a particular union by actively supporting or granting privileges.

### To File or Not to File?

On its own, filing a ULP rarely is a game changer if the employer campaign is severe and people are feeling beaten down. If you are going to proceed with ULP charges, make sure it's part of an overall legal and organizing strategy.