



ENGAGING IN PROTECTED CONCERTED ACTIVITY TO STAY SAFE FROM COVID-19 AT WORK

CWA

FREQUENTLY ASKED QUESTIONS

What is Protected Concerted Activity?

Under the National Labor Relations Act, most workers have the right to act together to address work-related issues in many ways. [Protected Concerted Activities include](#): talking with one or more co-workers about working conditions, circulating a petition asking for health and safety provisions, participating in a concerted refusal to work in unsafe conditions, openly calling for paid sick leave, and joining with co-workers to talk directly to your employer or to a government agency about problems in your workplace.

Does the NLRA (National Labor Relations Act) protect workers at my workplace?

Most likely, yes. Most frontline, non-management private sector employees are covered by the National Labor Relations Act with some important exceptions. Excluded from coverage under the Act are public-sector employees (employees of state, federal and local governments), agricultural and domestic workers, independent contractors, workers employed by a parent or spouse, and employees of airlines and rail carriers.

What is the National Labor Relations Board?

The [National Labor Relations Board \(NLRB\)](#) is an independent federal agency that protects employees, employers and unions from unfair labor practices and protects the right of private sector employees to join together, with or without a union, to improve wages, benefits and working conditions. The NLRB conducts hundreds of workplace elections and investigates thousands of unfair labor practice charges each year. The NLRB enforces the National Labor Relations Act.

Can I act alone and still be protected?

Concerted activity is when two or more employees take action for their mutual aid or protection regarding terms and conditions of employment. A single employee may also engage in protected concerted activity if he or she is acting on the authority of other employees, bringing group complaints to the employer's attention, trying to induce group action, or seeking to prepare for group action.

What are examples of Protected Concerted Activity?

Two or more employees discussing work-related issues beyond pay, such as safety concerns with each other is protected concerted activity. An employee speaking to an employer on behalf of one or more co-workers about improving Coronavirus protections or other workplace conditions is protected concerted activity.

Who can we reach out to if we need advice asap?

If you feel like your health is not in immediate danger, [please use this form to reach out to a CWA organizer for advice](#). We will do our best to get back to you ASAP. If your and your co-workers' health is in imminent danger, you should take immediate action to protect yourself.

Can my co-workers and I get in trouble for speaking out about our safety at work?

Your employer cannot lawfully discharge, discipline, or threaten you for, or coercively question you about this "protected concerted activity". A single employee may also engage in protected concerted activity if he or she is acting on the authority of other employees, bringing group complaints to the employer's attention, trying to induce group action, or seeking to prepare for group action. However, you can lose protection by saying or doing something egregiously offensive or knowingly and maliciously false, or by publicly disparaging your employer's products or services without relating your complaints to any labor controversy.

My employer refuses to close down even though a coworker tested positive for COVID-19. We don't feel safe. Can we walk out if the company isn't listening to us?

Under some circumstances, yes! NLRA covered workers have the legally protected right to walk out in protest of critically unsafe working conditions. [In Detroit, bus drivers refused to drive until the buses were properly cleaned.](#) Their refusal of working in unsafe conditions was protected concerted activity. They are now back to work.

In an example prior to the Coronavirus, a group of employees in Omaha, NE walked off the production line to protest the speed of the line and other working conditions, and thereafter met with the plant manager. An NLRB administrative law judge found that the Employer had unlawfully discharged the employees in retaliation for engaging in concerted protected activity and ordered the Employer to reinstate the employees with full back pay and benefits.

Can we demand that our employer expand paid time off during this crisis?

Yes. If the demand is done as a group (two or more people), this is protected activity too.

Am I protected if I'm already in a union?

If you already have a union, you may have other rights and obligations under your contract. Contact your local union leadership to discuss these issues.

Do I have to be in a union to be protected by the NLRA?

No. Employees at union and non-union workplaces have the right to help each other by sharing information, signing petitions, and seeking to improve wages and working conditions in a variety of ways. For more information on this aspect of the law, including a description of recent cases, [see the NLRB Protected Concerted Activity page.](#)

The National Labor Relations Act gives most private-sector front-line employees the right to act together to try to improve their pay and working conditions, with or without a union. If employees are fired, suspended, or otherwise penalized for taking part in protected group activity, the National Labor Relations Board will fight to restore what was unlawfully taken away.

I believe that my rights have been violated. How do I file a charge with the NLRB?

Charges must be filed in a Regional Office, usually with the help of an Information Officer, within six months of the occurrence. The Regional Office will investigate the charge and, if found meritorious, will issue a complaint. For forms and more information, [see the NLRB Investigate Charges page.](#)

I want to form a union with my co-workers to address COVID-19 and other workplace issues. Is that also protected?

Yes. Under the National Labor Relations Act, workers have the right to form a union without retaliation. Forming a union is an effective way to collectively address workplace issues from COVID safety to wages, benefits and working conditions. If you want help forming a union, [fill out this form on-line and a CWA organizer will contact you about next steps.](#)

[CLICK HERE FOR MORE DETAILED INFORMATION.](#)