



Organizing & Speaking Up (NLRA / Protected Concerted Activity)

Who Is Covered / Scope

Under the **National Labor Relations Act (NLRA)**, many **private-sector** employees (including many in private schools) are protected when they band together to address workplace issues. Public school employees are typically governed under state law (not the NLRA), unless your state extends protections.

- **Supervisors, managers, and independent contractors** are usually excluded.
- Religious private schools may have limited or no NLRA coverage, depending on court/board decisions.

Core Rights

1. **Protected Concerted Activity** — Employees may **join together** to raise concerns about wages, working conditions, or labor policies (e.g. “we want better pay,” “we want safer conditions”).
2. **Right to Organize / Unionize** — You can form, join, or support union efforts where lawfully allowed.
3. **No retaliation** — Employers cannot lawfully fire, discipline, or threaten you for engaging in protected concerted activity.
4. **Employer must negotiate with union** if majority support is established (for covered workplaces under NLRA).

Things to Watch Out For / Caveats

- Silence or casual remarks about dissatisfaction with coworkers *may* be protected.



- But some speech is **not protected**: eg. defamatory statements, disloyalty, malicious statements outside reasonable conditions.
- If you are a school employee, **check your state law** or local union agreements particularly for public sector, as NLRA may not apply.
- Religious school, managerial, or supervisory status may remove you from protection.

Steps You Can Take

- Identify coworkers who share concerns; coordinate before complaining or speaking.
- Document communications (emails, meeting notes) about concerns.
- Use group voice (email to HR as a group, meeting as a group).
- If retaliation occurs, file a **charge with NLRB** (often within 6 months).
- Seek legal advice when organizing officially.

Resources / Where to Get Help

- NLRB official website: nlrb.gov
- NLRB's "Your Rights" educational pages: nlrb.gov/about-nlrb/rights-we-protect
- Local labor/community legal aid or pro bono organizations.

FAQ

Q: Can I speak with a coworker about low pay even if we're not unionizing?

A: Yes. That's typically protected concerted activity — discussing working conditions together is protected.

Q: What if the employer says "Don't talk to coworkers about pay"?

A: That's usually unlawful; you have the right to talk about it collectively.



Q: What if I'm in a public school?

A: Public school employees often fall under state laws regarding collective bargaining and public employment rights. Check your state's department of education or union representation rules.