

INTERNATIONAL BROTHERHOOD OF TEAMSTERS

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MEMORANDUM

KNOW YOUR RIGHTS

What rights do you have under the Railway Labor Act?

You have the right under the law to make your own decision – free of the carrier’s interference or coercion -- about choosing a new collective bargaining representative. Management interference with mechanics’ choice of union representation is illegal.

The Railway Labor Act (RLA) was implemented “to forbid any limitation upon freedom of association among employees or any denial, as a condition of employment or otherwise, of the right of employees to join a labor organization[.]” The RLA guarantees the “complete independence” of employees when choosing their representative for collective bargaining purposes. 45 U.S.C. § 151a. The RLA prohibits a carrier from “deny[ing] or in any way question[ing] the right of its employees to join, organize, or assist in organizing the labor organization of their choice” as well as carrier efforts to “influence or coerce employees . . . to induce them to join or remain or not to join or remain members of any labor organization” 45 U.S.C. § 152, Fourth.

The National Mediation Board (NMB) is the government agency that supervises union elections under the Railway Labor Act. The NMB is responsible for ensuring that elections are conducted in accordance with the law. One of the NMB’s main tasks is to investigate whether a carrier interfered with its employees’ choice of representative, and, if so, whether that interference tainted the results of a union election.

What kinds of activities constitute carrier interference or coercion?

The NMB, acting in its investigatory role, has found the following carrier actions may constitute interference in an election:

- Threats to withhold benefits if employees vote to unionize or change their representative.

- Surveillance, interrogation or polling. Carriers may not place union supporters (or supporters of a particular union) under surveillance. Carriers are also barred from interrogating or polling employees about which union they support.
- Ordering employees to remove their union pins or insignia. Employees generally may wear discreet union pins and insignia while on duty; the carrier must allow union pins if it permits the wearing of other kinds of pins or insignia such as flag pins, yellow or pink ribbons, etc.
- Carriers may not discipline employees for engaging in union activities or speaking out in favor of the union of their choice.
- Captive audience meetings. Carriers may not hold carrier-run employee meetings designed to persuade employees to vote for one union representative over another.
- Management favoring one union over another through words or actions. Also, an incumbent union has a continuing duty to treat all members fairly and can't discriminate against, harass or cause the termination of members expressing themselves about a different union.

When and where can Mechanics discuss changing representation?

Although a carrier technically may bar discussing union-related matters during work time or on work premises, it may only do so if it bars all other casual conversation during those times and places, which it generally does not. Accordingly, you may discuss the Teamsters campaign whenever it would be appropriate for you to discuss non-work-related matters, like sports, investments, families, etc. You may also discuss the campaign in breakrooms, concourses, on company-provided parking shuttles and off-site locations.

What should you do if a manager tries to interfere with your rights?

If you believe that a manager is attempting to interfere with your rights to choose your next representative, you have the right to question that manager about the policy the manager is claiming to enforce and to ask to see a written copy of the policy or other explanation of the rules. You should also tell the manager that you have the right under the Railway Labor Act to support the union of your choice. However, you should not be insubordinate if given a direct order. If you conclude that a manager may have violated the RLA or attempted to influence your vote, you should immediately contact your local organizer.