



# Respecting workers' right to organize: an employer's guide

The National Labor Relations Act (NLRA) grants most private sector employees the right to form or join unions and prohibits employers from interfering with their right to organize and bargain collectively. If you're an employer, here's what to know.

## What does the federal law say about employees unionizing?

The NLRA is a [federal law](#) giving most private sector employees the right to form or join unions; engage in protected, concerted activities to address or improve working conditions (like protesting low pay, unsafe working conditions, or discrimination); and refrain from engaging in these activities. The NLRA covers most private sector employees and United States Postal Service employees, but it does not cover other government employees, agricultural laborers, most domestic workers, independent contractors, or supervisors (although supervisors that have been discriminated against for refusing to violate the NLRA may be covered). The NLRA also does not cover workers in the railroad and airline industries who are covered by the Railway Labor Act.

## What is neutrality?

**Neutrality** means the employer stays neutral when its workers organize and takes no position—for or against—worker organizing.

## Why should I consider neutrality?

Beyond meeting legal obligations and respecting workers' wishes, [studies](#) show that unionized workplaces [help build strong businesses](#). By fostering worker buy-in and collective voice, research shows that these workplaces are associated with:

- [Better safety records](#)
- [Higher productivity](#)
- [Higher rates of worker retention](#)—especially vital in the competition for talent during this period of historically low unemployment.

## What is voluntary recognition?

[Voluntary recognition](#) is a way of respecting your employees' choice to form a union and have collective bargaining representation based on a showing of majority support and without a formal election. While employers are generally not required to provide this recognition, [a growing number of businesses are doing so](#).

Voluntarily recognizing a union starts the collective bargaining relationship on a positive note. It streamlines the process for beginning negotiations on wages, hours, and other terms and conditions of employment.

Here is how it works:

- A majority of workers sign cards or other statements supporting representation by a union, and workers ask their employer to recognize the union without a formal election based on this majority support.
  - » The Federal Mediation and Conciliation Service (FMCS) offers majority sign up/card check recognition [services](#) to employers and unions at no cost.
- You say “Yes” and begin bargaining.

## What are other ways I can respect workers’ right to organize?

- Pledge to allow union organizers access to appropriate onsite, non-work spaces, such as lunch rooms.
- If you’re in construction, negotiate a pre-hire agreement or a [Project Labor Agreement](#), a special type of collective bargaining agreement applying to construction activity.
- Make sure your employees are aware of their rights to organize and bargain collectively – for example, by circulating the [poster](#) developed under E.O. 13496.

## Where can I find more resources?

You can learn more about the NLRA and how to comply with its requirements at the [National Labor Relations Board](#) website, [employer.gov](#), the [Worker Organizing Resource and Knowledge Center](#), and the [Small Business Administration website](#). In addition, the Federal Mediation and Conciliation Service provides [support](#) to employers and unions bargaining an initial contract.