Ensuring Rights and Remedies for Immigrant Workers Under the NLRA

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We're an independent federal agency that protects the rights of private-sector employees (and USPS employees) to join together to improve their working conditions. Employees in both unionized and non-unionized workplaces have these rights.
We protect employees' rights to:

- engage in group efforts to improve their wages and working conditions
- determine whether they want to be represented by a union
- engage in collective-bargaining
- refrain from any of these activities
Who we protect

The National Labor Relations Act covers employees of most private businesses in the United States, including:

- Workers at small businesses
- Workers at nonprofits
- Workers in states with "Right-to-Work" laws
Coverage exceptions

Some groups are excluded from protections, including:

- Agricultural workers
- Independent contractors
- Domestic workers
Right to Engage in Union Activity

Employees have the right form, join or assist labor organizations.
Right to Engage in Protected Concerted Activity

- Two or more employees act together to improve their working conditions
- A single employee brings group complaints to an employer or tries to convince co-workers to act together as a group
Examples of Protected Concerted Activity

- Talking with one or more co-workers about wages and benefits or other working conditions.
- Participating in a concerted refusal to work (strike) in unsafe conditions.
- Circulating a petition asking for better hours.
- Joining with co-workers to talk directly to a labor organization, the boss, a government agency, or the media about problems in the workplace.
- Filing a wage and hour lawsuit with co-workers.
In response to union or protected concerted activity, an employer is prohibited from taking any of these actions:

- Firing or demoting the employee
- Reducing pay, hours, or benefits
- Transferring the employee to another location
- Contacting law enforcement, including ICE
- Imposing new paperwork requirements to maintain employment
- Making working conditions less desirable, e.g., altering work schedules, denying overtime, isolating the employee
- Threatening to do any of these things
Workers Are Protected Under the NLRA Regardless of Immigration Status
GC Abruzzo’s Initiatives

• GC 21-06 Seeking Full remedies
• GC 21-07 Full Remedies in Settlement Agreements
• GC 22-01 Ensuring Rights and Remedies for Immigrant Workers Under the NLRA
• GC 22-02 Seeking 10(j) Injunctions in Response to Unlawful Threats or Other Coercion During Union Organizing Campaigns
• GC 22-03 Inter-agency Coordination
What to know before filing a charge:

- It's free and can be done online or at any of our offices
- You must file a charge within 6 months of the alleged unlawful conduct
- You don’t need a lawyer
- If you need assistance, an NLRB agent will help you fill out the charge correctly
- Translators are available for non-English speakers
Certifying U and T Visas

• NLRB will certify for individuals who have been helpful to a NLRB investigation or litigation that is related in some way to a qualifying crime, and who have suffered harm as a victim of a qualifying crime.
• Bona Fide Determination Process.
• New guidance from USCIS specifically providing for an expedited Bona Fide Determination process which labor agencies can request based on cases we identify as urgent.
Prosecutorial Discretion and Work Authorization

• NLRB may make request to DHS/USCIS in appropriate cases involving workers who are victims of, or witnesses to, violations of our Act who make request to NLRB.
• Working with DOL, EEOC, DOJ IER and DHS on process from the DHS side.
• From the NLRB side, after filing a charge, indicate to NLRB investigator the need at a particular worksite.
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