



# Keeping an eye on Wells Fargo

## HOW TO SPOT WHEN THE BOSS IS BREAKING THE LAW

Look out for **SPIT** :

**Surveillance, Promises, Interference, Threats**

### **SURVEILLANCE**

The boss **cannot** . . .

- Spy on workers' union activities or even create the impression that they are spying on their activities.
- Photograph or record employees engaged in peaceful union activities.
- Poll employees to determine the extent of support for a union (this includes asking workers if they support the union in one-on-one conversations)
- Question employees about their own or coworkers' union activities or sympathies.

### **PROMISES**

The boss **cannot** . . .

- Promise employees benefits if the employees reject the union.
- Imply a promise of benefits by soliciting grievances from employees during a union organizing campaign.
- Confer benefits on employees during a union organizing campaign to induce employees to vote against the union.

### **INTERFERENCE**

The boss **cannot** . . .

- Prohibit workers from talking about the union during work time if they allow workers to discuss other causes.
- Prohibit employees from wearing union buttons, shirts, and other union materials in most cases.
- Deny off-duty workers access to outside non-working areas (like break rooms or the parking lot) of the employer's property.
- Convey the message that organizing a union would be futile.
- Make or enforce work rules that reasonably tend to inhibit employees from exercising their rights under the NLRA.
- Solicit individual employees to appear in an anti-union video or materials.

### **THREATS**

The boss **cannot** . . .

- Threaten employees with adverse consequences, such as closing the workplace, loss of benefits, or more onerous working conditions, if they support a union, engage in union activity, or select a union to represent them.
- Threaten employees with loss of jobs or reduction in wages, or use threatening or intimidating language calculated to influence employees in their exercise of their right to support a union.
- Tell employees that the union will have to strike to obtain concessions from the employer.

If you witness something that you suspect is an unfair labor practice, contact us: [staff@betterbanks.org](mailto:staff@betterbanks.org)



# HOW TO SPOT WHEN THE BOSS IS BREAKING THE LAW



Now that bank workers have started filing for an winning union elections, it is incredibly important that we watch out for illegal anti-union behavior from Wells Fargo management. This handout provides an overview of some of ways that employers will break the law to try and undermine our rights and collective power.

The federal National Labor Relations Act (NLRA) gives workers the right to unionize and to take collective action with their coworkers to advance our interests. It is a violation of the NLRA for an employer to interfere with, restrain, or coerce employees in the exercise of our rights. These violations of the NLRA are referred to as “unfair labor practices” (ULPs) and are investigated by the National Labor Relations Board (NLRB). The law prohibits employers from discriminating or retaliating against pro-union workers and from surveilling, threatening, or interrogating them. Further, the bosses are not allowed to promise benefits to employees if they vote against or withdraw support for a union.

## The Organizing Model & The Law

It may be that Wells Fargo is willing to break the law, and incur the paltry fines and penalties that result, as just the cost of busting our union. While it is important that we all know our legal rights and seek assistance from the NLRB in holding the company accountable, at the end of the day our best protection is each other and our ability to take collective action.

That is why our union believes in the organizing model. We know that our power as bank workers doesn't come from the law, but from our unity and through collective action.

Under the organizing model, we approach employer violations of the law as opportunities to help our coworkers face and overcome their fear, increase participation, and create new leaders. Organizing our coworkers to respond to ULPs is another way of defending our rights and building our union.

If Wells Fargo breaks the law, one tool at our disposal is filing charges with the NLRB, but we should also always be planning to support our legal maneuvers with organizing and collective action.

Source: National Labor Relations Act (NLRA), Sections Section 7 & 8(a)(1)

[www.nlr.gov/about-nlr/rights-we-protect/the-law/interfering-with-employee-rights-section-7-8a1](http://www.nlr.gov/about-nlr/rights-we-protect/the-law/interfering-with-employee-rights-section-7-8a1)



**Removal of this flyer may violate the National Labor Relations Act.**

Wells Fargo Workers United is not in any way affiliated with Wells Fargo.