

Basic Legal Rights of Rank and File Union Members

Union Democracy makes unions stronger. The key to union democracy is an educated and active membership. This summary describes your rights under a Federal Law: the Labor Management Reporting and Disclosure Act (LMRDA).

1. The Right to Equal Participation in Your Union

You have the right as a member of the union to participate equally in union affairs. You have the right to:

- attend and participate in union meetings,
- vote by secret ballot in local union officer elections, and other important election rights,
- equal access to union publications in election campaigns,
- if voting on contracts is in your union constitution, you have the right to know what you are voting on,
- due process if you are disciplined by the union.

NOTE: It is illegal for the union or the employer to retaliate against you, or threaten you, for exercising your rights under the LMRDA.

2. The Right to Essential Information

As a union member, you have the right to certain types of information:

- Copies of annual financial reports, including the LM-2 forms, available from the Office of Labor Management Standards--OLMS,
- Copies of union contracts and side agreements that affect your job,
- Copies of the union constitution and bylaws.

NOTE: You are free to publish the information in the reports and documents described above.

3. The Right to Free Speech in Your Union

Your right to free speech in the union is very broad. You are free to:

- criticize union policies, officers, staff, or candidates,
- discuss union policies and issues,
- write about, sing about, draw cartoons about union representatives,
- complain, protest, demand and advocate.

NOTE: You can not be disciplined for free speech. However, if you advocate leaving the union, or

changing unions, your speech may not be protected.

4. The Right to Free Assembly

Like your rights to free speech, your rights to organize with your coworkers to make changes in your union are very broad. You can:

- organize a committee or a caucus,
- meet without official union permission or participation,
- write and distribute leaflets, newsletters, etc.
- run candidates for office,
- take collective action to influence the union (pickets, buttons, etc.).

NOTE: Be careful not to represent yourselves or your group as official union representatives if you are not.

Enforcing your Rights

Some parts of the LMRDA are enforced by the Department of Labor (Elections, Financial Reporting, Right to Information). Other rights you enforce through a lawsuit in Federal Court (free speech, free assembly, union discipline cases). Some rights can be enforced through State Court, also.

You may be required to “exhaust internal union procedures” before taking your case to the Department of Labor or Federal Court. This means you must first file an internal union protest or complaint, according to the procedures in your union bylaws/constitution—even if you believe that this is a waste of time. If, after four months (three months for election complaints), the internal charges have not been resolved, or you want to challenge the result, you may take your complaint outside of the union. If you do not exhaust the internal procedures, the union can not discipline you, but the court or Department of Labor may dismiss your complaint.

Because the legal procedures are complex and have strict time limits, it is important to get advice. You may need a lawyer. Contact AUD:

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