

# MODULE 3

## Rights of Workers Under 18

### Module Overview

**Time:** 60 minutes

- Objectives:**
- to review basic laws governing workplace
  - to review hour and occupation requirements for young people
  - to identify what a union does
  - to introduce laws that give workers the right to organize
  - to review how to form a union
- Preparation:**
- review “Hours and Jobs That Minors May Work” , Chapter 2 and “Unions”, Chapter 6 in Schwartz, *Your Rights on the Job*.
  - review *Your Rights on the Job: A Student’s Guide to Workplace Rights in Massachusetts; Workplace Laws Handout*.
  - prepare flipcharts
  - read and copy handouts: *Participant Outline; NLRB Act & Mass. Public Employee Collective Bargaining Law in a Nutshell*; download copies of *Your Rights on the Job: A Student’s Guide to Workplace Rights in Massachusetts* from UMass Boston website at: <http://cpcs.umb.edu/lep/revisions.html>.

**Materials:** flipchart, markers, masking tape

### Module Outline

### Module Detail

**Welcome and Introductions**

**Time:** 5 minutes

**Flipchart:** *Objectives and Agenda*

**Welcome and Introductions**

Welcome participants, introduce yourself and review workshop objectives and agenda. It is helpful to put the Objectives and Agenda on flipcharts to post. Ask participants to introduce themselves by name and union/organization/school.

**What is Your Work Experience?**

**Time:** 5 minutes

**Activity 1: There Ought To Be a Law**

**Time:** 20 minutes

**Handouts:** *Your Rights on the Job: A Student's Guide to Workplace Rights in Massachusetts*

**Flipchart:** *What bugs you about work?*

**Icebreaker: What is Your Work Experience?**

Ask participants the following questions, asking for people to stand up if their answer to the question is yes.

- Who has ever worked for pay?
- Who has worked or is working in a fast food place?
- Who has gotten tips as part of their pay?
- Who has had a paper route?
- Who has worked part-time after school?
- Who has worked full time?
- Who has worked or is working in a supermarket?
- Who has worked or is working in a unionized workplace?
- Who is working for pay now? Where?

**Activity 1: There Ought To Be a Law**

In large group, brainstorm:

- What bugs you about work?

*Facilitator post the questions on a flip chart.*

Then ask the group, one question at a time:

- Which of these do you think are personal?

*Circle or underline in red marker.*

- Which problems do you think might affect many workers and might be a law that addresses the problem?

*Circle or underline in green marker.*

*Facilitator give an example of each from the list if necessary to get discussion going.*

Break participants into small groups or pairs. Assign each group one (or two) of the problems underlined in green (i.e. group issues they think there is a law about). Then hand out copies of “*Your Rights on the Job*” pamphlet to each group. Ask each group to look through the pamphlet and see if they can find a law that addresses their problem(s).

Bring group back together and ask each group to report out. Ask for questions and comments. (Facilitator should correct any misreading or factual inaccuracy of the law.) Note the group issues, if any, which do not have a law that addresses them, and point out that we will talk about these issues in the next activity.

**Solving Workplace Rights Violations**

**Time:** 10 minutes

**Flipchart:** *What could you do?*

**Activity 2: Solving Workplace Rights Violations**

In large group, ask participants

- What could you do about this problem if there is no law? (if left over from the pervious activity)
- What if your boss breaks the laws and violates your rights? What can you do?

Start with brainstorm – points to make to start things off or to add:

- Talk to other workers to see if they have same problem
- With a group of workers, talk to the boss about the problem
- Talk to your parents or some other adult that you trust about the problem
- Go to the regulatory agency — with someone else like parent or someone you trust
- Go to the union, if there is a union.

Post on flipchart. Sum-up and point out that without a union, you are an “employee at will” and that your boss can fire you for any or no reason. Move into the next section to see what the law says about unions and how union could help.

**What Unions Do**

**Time:** 15minutes

**Flipcharts:** *Use flipchart from activity 1.*

**Activity 3: What do Unions Do?**

Going back to the list of problems identified in Activity1 -- What Bugs You About Work. Divide into small groups, assigne each group one of the issues. Ask them to discuss the following questions:

- 1) If you could write a rule about this problem, what would it be?
- 2) Who would write the rule?
- 3) How would the rule be enforced?

Report back one question at a time. The contract or collective bargaining agreement is the “rule book”. Ask what other things a contract would write rules about?

For question 2, the union members and leaders and management together write the rules. There is a process called “bargaining” over the contract.

The Grievance procedure enforces it -- makes sure that management holds up to its part of the bargain.

Point out that many workplaces have employee handbooks or personnel policies. Ask participants: “What do you think are the differences between an employee handbook and a union contract?”

*Issues to identify: legal weight of contract, power of a group of workers behind the contract, changeability of handbook, lack of employee input into a handbook.*

**Right to Form a Union****Time:** 5 minutes**Handouts:** *NLRB and Chapter 150E in a Nutshell***Flipchart:** *Right to Form a Union***Remedy:****How Do You Organize a Union****Time:** 10 minutes**Handout:** *Organizing a Union: Some Steps***Flipchart:** *Organizing a Union***Activity 4: Right to Form a Union**

Ask participants to listen to the following mini-rap on the right to form a union.

**Mini-rap :**

“Most workers have the right to form and join unions on the job. The legal protections to organize into unions are a result of working people fighting for these rights. A federal law called the National Labor Relations Act, passed in 1935 guarantees the right of private sector workers to organize. For public sector workers, the law is Chapter 150E. It is illegal for management to harass or discriminate against you for trying to form a union.

You have a right to talk about the union with your co-workers on your own time in the break room, cafeteria, parking lot or other non-work areas. Most workers form a union with the help of an organizer from a union who understands the law. Often workers are asked to sign union cards to show interest in joining a union, and they vote in an election whether to join.

Ask participants: What are your questions?

**Remedy: What if these rights are violated?**

Explain that the enforcement agency for private sector workers covered by the National Labor Relations Act is the National Labor Relations Board (NLRB). Violations of the NLRA are called unfair labor practices (ULP). When ULP's are filed at the NLRB a hearing is held and a determination is made of what the employer must do. [*Refer to the NLRB and Ch 150E in a Nutshell*]

The enforcement agency for public sector workers covered by the Massachusetts Public Employee Collective Bargaining Law, Chapter 150E is the Massachusetts Labor Relations Commission (MLRC). Violations are also called unfair labor practices ULP), which are filed at the MLRC. Remedies are similar to NLRA.

**Activity 5: How do You Organize a Union**

Break participants into pairs or small groups and ask them:

〈 What questions do you have about how to form or join a union?〉

Report back -- discuss and respond to questions as much as possible.

Stress that while the law protects workers rights to form a union, employers often break the law. Working with a union is essential to get support and advice.

## Summary

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“The employment of children less than 18 years of age (minors) is regulated by laws and regulations enforced by the U.S. Department of Labor and the state Office of the Attorney General. In Massachusetts, the Fair Labor and Business Practices Division of the Office of the Attorney General investigates reports of violations of the child labor laws and of injuries or dangerous working conditions for young workers. Violators face fines and imprisonment. For complete information about the child labor laws, or to file a complaint alleging child labor law violations please call the Fair Labor and Business Practice Division in Boston or in Springfield.